

RESOLUTION AGREEMENT
Worcester Public Schools
OCR Complaint No. 01-16-1277

The Worcester Public Schools (District) has voluntarily entered into this agreement to resolve the allegations in the above-referenced complaint. The District assures that it will take the following actions. The District agreed to resolve this complaint prior to the completion of OCR's investigation pursuant to Section 302 of OCR's *Case Processing Manual*.

This Agreement shall not constitute an admission by the District that the District's actions, programs or services as they relate to the above-referenced complaint were noncompliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 or any other law enforced by OCR. This resolution agreement is entered into by the District solely for the purpose of resolving the above-referenced complaint.

I. Individual Remedies

- A. By October 31, 2018, the District will provide OCR with documentation (e.g. meeting invitation, list of attendants, meeting minutes, IEP, etc.) demonstrating that after providing proper written notice to the Student's parent/guardian, a group of knowledgeable persons, including the parent/guardian, convened to:
 - a. review the Student's progress and current IEP services;
 - b. determine whether the Student needs compensatory and/or remedial services (and if so, the group will develop a plan by November 30, 2018, for providing compensatory and/or remedial services with a completion date not to extend beyond January 31, 2019; and
 - c. develop a bullying/harassment support plan for the Student.
- B. If the team determines compensatory/remedial services are needed for the Student, by February 28, 2019, the District will provide OCR with documentation that it has provided such services consistent with the team's plan.
- C. By October 31, 2018, the District will provide OCR with documentation that it provided the Complainant with a copy of the District's Voluntary Controlled Transfer Policy as supplemental information to its May 24, 2016 letter notifying the Complainant of its decision to rescind the Student's placement at XXXXXX Elementary School.

II. District Remedies

- A. By October 31, 2018, the District will provide OCR with documentation (e.g. memoranda, emails, etc.) demonstrating that it took the following actions:

- a. The District reviewed Child Find and the eligibility process at their assigned schools with all educational staff members. This review will include examples of circumstances when a referral for an evaluation should occur, including examples of how the District can implement general education interventions along with satisfying its referral and evaluation obligations.
- b. District issued reminders via memorandum to District administrators regarding student confidentiality and the District's prohibition on retaliation. For the confidentiality reminder, District will include statements that the District staff will not reveal personally identifiable information of families and students, or a student's disability status or services, to other families, and that a violation of the policies may result in discipline when appropriate. For the non-retaliation reminder, the District will include examples of protected activities and types of adverse actions, and that a violation of the policies may result in discipline when appropriate.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the District's representative below.

By: /s/ Maureen Binienda, Superintendent Date: 9/1/18