

RESOLUTION AGREEMENT
Peabody Public Schools
OCR Complaint No. 01-16-1285

The Peabody Public Schools (District) voluntarily enters into this agreement to resolve the allegation in the above-referenced complaints. The District assures that it will take the following actions and will meet its obligation to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by the U. S. Department of Education, Office for Civil Rights (OCR). Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

Action Item 1:

The District will create a procedure for ensuring that the staff at the John E. McCarthy Memorial School (McCarthy) implements behavioral support plans in a timely manner for students whose Section 504 plans or Individualized Educational Programs (IEPs) call for such plans. The procedure shall include a timeline for development of the behavior support plan and require the team to reconvene within a specified timeframe to consider remedial services if there is a determination of non-implementation of the behavior support plan. The procedure shall also include a mechanism for ensuring that all McCarthy personnel likely to have reason to implement a student's Section 504 plan, IEP, or behavioral support plan are sufficiently aware of the details of plan or program such that they can adequately implement the plan or program.

Reporting Requirement:

- (a) By March 2, 2018, the District will provide OCR with the McCarthy's revised procedure created to satisfy Action Item 1.
- (b) By January 31, 2019, the District will provide OCR with documentation of all McCarthy students with IEPs or Section 504 plans created during 2018, which called for behavioral support plans, demonstrating that it implemented said plans in accordance with the procedure described in Action Item 1. The documentation will include the students' IEPs, Section 504 plans and behavioral support plans, including dates of implementation. For any students whose behavioral support plans were not timely implemented, the District will provide an explanation of the reason(s).

Action Item 2:

The District will develop and implement a procedure for ensuring that in an emergency/crisis situation involving students with autism and/or other disabilities that affect behavior, District personnel inform police officers, other law enforcement officials, first responders, or other medical professionals who encounter a student with an IEP, Section 504 plan, or behavioral support plan of the student's disability and relevant information in the student's plan, to the

extent permitted by the Family Educational Rights and Privacy Act (FERPA) and Massachusetts state laws and regulations governing student confidentiality.

Reporting Requirement:

- (a) By March 2, 2018, the District will provide OCR with the District's revised procedure created to satisfy Action Item 2.

- (b) By June 1, 2018, the District will submit to OCR a list of all incidents at McCarthy during the 2017-2018 school year, after the signing of this agreement, in which police officers, other law enforcement officials, first responders, or other medical professionals encountered a student with an IEP, Section 504 plan, or behavioral support plan in the context of a health or safety emergency as defined under FERPA. For each incident, the District will submit to OCR:
 - A copy of the student's IEP, Section 504 plan, or behavioral support plan;
 - A description of the incident;
 - A description of how the procedure created pursuant to Action Item 2 was applied;
 - What information was conveyed to the police officers, other law enforcement officials, first responders, or other medical professionals;
 - Who conveyed the information; and
 - When the information was conveyed (i.e. how long after or before the individual encountered the student).

Action Item 3:

The District will provide training for McCarthy teachers, administrators, and other personnel responsible for supervising children throughout the day (e.g., lunchroom or recess attendant) on the implementation of Section 504 plans, IEPs, and behavioral support plans. Such training shall address and be consistent with Section 504, Title II, their implementing regulations, and the revised McCarthy procedures developed under Action Items 1 and 2. The training should also include a discussion of autism and common behavioral issues for students with emotional or social disabilities. Training is to be conducted by an individual (Trainer) with expertise in FAPE and behavior management.

Reporting Requirement:

- (a) The District will provide the Trainer(s)'s credentials and the training materials for the training identified in Action Item 3 to OCR for review and approval no fewer than 30 calendar days prior to the training.

- (b) The District will provide OCR with documentation that it conducted the training identified in Action Item 3 by June 1, 2018. This documentation will include, but will not be limited to, the date(s) of the training; the agenda; copies of any materials used, including any handouts, guides, or other materials; and attendance sheets from

