

**RESOLUTION AGREEMENT**  
**Dudley-Charlton Public Schools**  
***OCR Complaint No. 01-18-1014***

Dudley-Charlton Public Schools (District) enters into this agreement to resolve the allegations in the above-referenced complaint. The District assures the U. S. Department of Education, Office for Civil Rights (OCR) 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), Title II of the Americans with Disabilities Act of 1990 (Title II) or any other law enforced by OCR.

**ACTION ITEM 1: PROCEDURES**

The District will revise its “Procedures for 504 Eligibility Determination” for the identification, evaluation and placement of students under Section 504/Title II to be consistent with the obligations of Section 504 and Title II and their implementing regulations (Revised Policies and Procedures). The District agrees that the Revised Policies and Procedures will replace the District’s current policies and procedures regarding identification, evaluation and placement.

Reporting Requirements

1. By **August 1, 2018**, the District will provide the Revised Policies and Procedures for OCR’s review and approval.
2. **Within 30 days** of OCR’s approval of the Revised Policies and Procedures, the District will:
  - a. publish these documents on its website or other usual means of distribution, and provide OCR with the URL and/or other evidence of distribution; and
  - b. disseminate a memorandum to District staff who are involved in the identification, evaluation and placement of students according to Section 504/Title II, to apprise such staff of the Revised Policies and Procedures, provide to OCR a copy of that memorandum, as well as evidence of its dissemination, such as the distribution list or email by which it was sent.

**ACTION ITEM 2: TRAINING**

The District will provide training prior to the start of the 2018-2019 school year for all Section 504/Title II coordinators and/or all school-based administrators who conduct 504 meetings (along with the principals for each school in the District), all guidance counselors and all school psychologists, regarding the District’s obligations under Section 504 and Title II to provide a free appropriate public education (FAPE) to qualified students with disabilities. The training will include, at a minimum:

- A. Evaluation requirements according to 34 C.F.R. Sections 104.35(b) and (c), including but not limited to the requirement that the group of knowledgeable persons include the

student’s parents/guardians and any medical diagnoses or outside medical providers, by telephone if appropriate; and that the determination of eligibility not be made in a separate, preliminary Instructional Support Team meeting; and

B. Eligibility criteria under Section 504 and Title II, including the updates of the ADA Amendments Act of 2008, including but not limited to:

- The expanded definitions of physical or mental impairment, consistent with 28 C.F.R. Section 35.108;
- The expanded definitions of major life activities, consistent with 28 C.F.R. Section 35.108;
- The revised definition and considerations for “substantially limits,” consistent with 28 C.F.R. Section 35.108, including that evaluation teams must (1) consider students in their unmitigated state, without regard to the ameliorative effects of mitigating measures and (2) that substantially limits a major life activity does not mean substantially limits access to the curriculum; and
- That evaluation teams must consider all information provided to the team, including information relating to how an alleged disability impacts the time, manner or duration of a student’s performance of any major life activity, including information derived from outside of school (clinicians and or medical diagnoses).

Reporting Requirements:

1. At least 30 days prior to the training, the District will submit to OCR for its review and approval: (a) the credentials for the individual conducting the training, who will have expertise in Section 504 and Title II; and (b) all training materials.
2. Within fifteen (15) days of conducting the training, the District will provide OCR with evidence of having conducted this training, and participant attendance (such as staff sign-in sheets, including staff titles).

**ACTION ITEM 3: OUTREACH**

The District will issue a notification memorandum, email, or other correspondence (Notification) to all District parents/guardians specifically explaining that the District has adopted the Revised Policies and Procedures. The Notification will explain how to find the Revised Policies and Procedures, including any web address; will direct any questions about the Revised Policies and Procedures to the District’s 504/Title II Coordinator(s); and will include the Coordinator’s contact information, including his/her email address.

Reporting Requirements:

1. By **August 1, 2018**, the District will provide a draft of the Notification for OCR’s review and approval.

2. **Within 30 school days** of OCR’s approval of the Revised Policies and Procedures, the District will disseminate the Notification to all District parents/guardians, and provide a copy of the materials it disseminated, as well as evidence of its dissemination, such as the distribution list or email by which it was sent.

**ACTION ITEM 4: FAPE**

In order to ensure that the District appropriately identifies and evaluates students in accordance with the FAPE requirements of Section 504 and Title II, the District will review Section 504 team minutes from the 2017-2018 school year for students whose evaluations did not result in a determination of eligibility for a Section 504 plan, and make an assessment as to whether the District used the appropriate standard in evaluating students, and whether the eligibility determinations were consistent with Section 504 and Title II. If the District’s review indicates that the initial determination was not made consistent with the appropriate standard, the District will reconvene the relevant students’ Section 504 teams and evaluate such students consistent with the District’s Revised Policies and Procedures.

**Reporting Requirements:**

1. By **October 30, 2018**, the District will provide to OCR a list of the students who were re-evaluated in accordance with Action Item 4, and a copy of the minutes of any student for whom a meeting was convened but no Section 504 plan was implemented.

**ACTION ITEM 5: REEVALUATION OF THE STUDENT**

The District will promptly convene a team of persons knowledgeable about the Student to determine, using appropriate standards, if she is a qualified individual with a disability in need of special education and/or related aids and services in order for the Student to receive a FAPE, and develop and implement a Section 504 plan or Individualized Education Program (IEP) to address the Student’s individual educational needs.

**Reporting Requirement:**

1. By **October 30, 2018**, the District will provide documentation of any such meeting, including the minutes of the meeting, copies of Section 504 plans or IEPs; and evaluation tests, assessments and/or all other materials considered by the team.

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 satisfaction of the commitments made under this Agreement, OCR will close this 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 will 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.

\_\_\_\_\_/s/\_\_\_\_\_  
Gregg Desto, Superintendent

Date: April 13, 2018