

**RESOLUTION AGREEMENT**  
**Ludlow Public Schools**  
***OCR Complaint No. 01-18-1025***

The Ludlow 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 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 protocol to ensure that all students whose Section 504 plans or Individualized Education Programs (IEPs) provide for paraprofessional support are able to receive those services as necessary to have an equal opportunity to participate in extracurricular activities (Para Protocol), including but not limited to coverage when a student's paraprofessional is not available (e.g., due to hiring gaps, departures from the District, and/or short or long term absences).

**Reporting Requirement**

- A. By July 1, 2018, the District will submit to OCR for its review and approval a copy of the Para Protocol.
- B. With 30 days of OCR's approval of the Para Protocol, the District will provide OCR with a copy of the communication sent to all District personnel responsible for implementing the Para Protocol. The submission to OCR will include a list of the names/titles of all persons to whom the Para Protocol was circulated, as well as a description of how the District determined who was responsible for implementing the Para Protocol.

**Action Item 2**

The District will create a protocol to ensure that all students in substantially separate classrooms receive adequate notice of extracurricular activities, including how to sign up for such activities, when such activities are meeting or occurring, or any other information needed to ensure equal opportunity to participate (Notice Protocol). The Notice Protocol shall be given for all extracurricular activities, including all clubs, organizations, and social events such as dances.

### **Reporting Requirement**

- A. By July 1, 2018, the District will submit to OCR for its review and approval a copy of the Notice Protocol.
- B. With 30 days of OCR's approval of the Notice Protocol, the District will provide OCR with a copy of the communication sent to all District personnel informing them of the Notice Protocol. The communication shall attach the Notice Protocol and explain the District's relevant obligations under Section 504 and Title II.
- C. By December 1, 2018, the District will provide OCR with documentation of its efforts to implement the Notice Protocol with regard to the Student during the fall of 2018. This documentation shall include the persons responsible for the implementation of the Notice Protocol, a description of all steps taken, and copies of all communication pursuant to the Notice Protocol.

### **Action Item 3**

The District shall provide training for all District personnel responsible for implementing the Notice Protocol. This training shall cover all aspects of the Notice Protocol and the District's obligations under Section 504 and Title II to provide students with disabilities an equal opportunity to participate in extracurricular activities.

### **Reporting Requirement**

- A. By August 1, 2018, the District shall provide OCR with a copy of the presentation materials from the training(s) held to implement Action Item 3, and a list of all attendees.

### **Action Item 4**

The District shall ensure the Student's prior paraprofessional aide, XXXXXXXXXXXX (Prior Paraprofessional), is not assigned to XX as XX 1:1 aide currently or in the future.

### **Reporting Requirement**

- A. By July 1, 2018, the District will confirm that the Prior Paraprofessional will not be assigned to the Student, and provide OCR with the name of the Student's current paraprofessional.

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 this Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District to 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 and is in compliance with the regulations implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this case. The District understands that OCR will not close the monitoring of the Agreement until such time that OCR

determines the District has fulfilled the terms of the Agreement and is in compliance with the statutes and regulations that were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall 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 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/ Date: June 11, 2018  
Todd Gazda, Superintendent