

RESOLUTION AGREEMENT
Lowell Public Schools
OCR Complaint No. 01-18-1061

The Lowell Public Schools (District) has entered into this agreement to resolve the allegation 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).

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*. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

Action Item # 1

The District will provide Section 504/Title II training to District administrators, Section 504/Title II Coordinator(s) and all teachers / staff who participate in Section 504 team meetings. The training will include but is not limited to identification, evaluation, and placement of students with disabilities and providing a free appropriate public education to students with disabilities. The training will explicitly address the eligibility standard for a Section 504 plan, including that a student may be eligible for a Section 504 plan even if the major life activity of learning is not substantially limited by the disability. The presenter/trainer will be a person who was not involved, in any capacity, with the Student's 504 eligibility determination and is not otherwise involved in the District's implementation of its Section 504 and Title II policies.

Reporting Requirement

Within thirty calendar days of the execution of this Resolution Agreement, the District will submit for OCR's review and approval the identity and credentials of the person(s) conducting the trainings required by Action Item 1.

Within thirty calendar days of OCR's approval of the trainer/presenter, the District will submit the proposed training materials to be used for Action Item 1.

Within sixty calendar days of OCR's approval of the training materials, the District will provide documentation to OCR demonstrating that it provided the trainings in accordance with Action Item 1. This documentation will include at minimum:

1. The dates(s) of the training(s);
2. Sign-in sheets; and a list of the individuals who attended the training(s) and their positions in the District; and
3. Copies of any training materials disseminated.

Action Item # 2

By October 30, 2020, after providing proper written notice to the Student's parent/guardian and obtaining consent if necessary, the District shall evaluate the Student for eligibility for services under Section 504 and Title II. If indicated by the evaluation, the District shall promptly convene a team meeting to determine if the student is eligible for services, and whether compensatory services are appropriate for the Student in consideration of the Student's Section 504 plan being terminated from XXXXX until XXXXX. To determine eligibility, the District will consider if the Student has a mental or physical impairment that substantially limits one or more major life activities, and if so, whether the Student needs special education or regular education and related aids and services. If the student is eligible, the District will develop a plan based on the evaluative data, information from a variety of sources, and the individualized needs of the Student. The District will ensure that the team includes a group of persons who are knowledgeable about the Student and her disability, the meaning of the Student's evaluation data, and the placement options.

Reporting Requirement

By November 13, 2020, the District will provide documentation to OCR demonstrating that the Section 504 team met in accordance with Action Item 2. This documentation will include but not be limited to:

1. The date of the meeting; and
2. The results of the evaluation; and
3. Any team meeting or other notes, including the names/titles of attendees, minutes of the meeting and, if applicable, an explanation of the District's method for determining the type and amount of compensatory services deemed appropriate for the Student; and
4. Documentation showing the Student received any compensatory services deemed appropriate by the team and/or a schedule for providing the Student with any remaining services.

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 and obligations 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 proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR shall give the Recipient 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/ Joel Boyd_____
Superintendent

Date: __6/24/2020____