

RESOLUTION AGREEMENT
Scituate Public Schools
OCR Complaint Nos. 01-18-1064, 01-18-1086, and 01-18-1307

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

This Agreement does not constitute an admission of liability or wrongdoing by the District and may not be introduced in any other forum, except to enforce the terms of this Agreement.

Action Item 1

The Scituate School Committee has voted to approve its XXXX configuration subcommittee's recommendation of consolidating and closing the XXXX XXXX XXXX XXXX Schools and building a new XXXX school to replace them (hereinafter, "the Consolidation Process"). The District, the Scituate School Committee, and the Town of Scituate (collectively, "Scituate") have submitted Statements of Interest (SOI) to the Massachusetts School Building Authority (MSBA) expressing Scituate's intention to pursue the Consolidation Process. The SOI includes the following anticipated schedule related to the Consolidation Process:

- a) The MSBA may make a determination on Scituate's proposed Consolidation Process by December 2019.
- b) The District will recommend that Scituate's Town Meeting vote to approve funding for a full Feasibility Study and Schematic Design for the Consolidation Process by April 2020, subject to the aforementioned MSBA determination.
- c) The District will recommend that Scituate's Town Meeting vote to approve the Capital Debt Exclusion Article for the Consolidation Process by April 2021, subject to Action Items 1(a)-(c) being completed.

Reporting Requirement 1(a): By July 31, 2019, the District will provide OCR a copy of the report outlining its "visioning process" for its XXXX schools, as described in the SOI.

Reporting Requirement 1(b): Within thirty days of each month referenced in Action Item 1(a) through (c), the District will provide OCR:

- i. written confirmation that the applicable action has occurred, with supporting documentation, or
- ii. a written explanation for why the applicable action has not occurred, with relevant supporting documentation, and a revised anticipated schedule for completion of the remaining steps referenced in Action Item 1(a) through (c) for OCR's review and approval.

Action Item 2

If Scituate's Town Meeting approves funding for a Feasibility Study and Schematic Design for the Consolidation Process, the District will ensure that the final Schematic Design provides for the construction of a new XXXX school to replace the XXXX XXXX XXXX XXXX Schools that is fully compliant with the 2010 Americans with Disabilities Act Standards (2010 ADA Standards). The District will ensure that the new XXXX school is in full compliance with the 2010 ADA Standards by the date that the new XXXX school begins to serve students.

Reporting Requirement 2(a): Within 15 days of the completion of the Feasibility Study, the District will provide OCR a copy of the Feasibility Study.

Reporting Requirement 2(b): Within 15 days of the completion of the Schematic Design, the District will provide OCR a copy of the Schematic Design and a written assurance that the Schematic Design provides for the construction of a new XXXX school that is fully compliant with the 2010 ADA Standards.

Reporting Requirement 2(c): Every six months following completion of the Schematic Design until the new XXXX school begins to serve students, and at additional intervals upon OCR's reasonable request, the District will provide, for OCR's review and approval, a proposed schedule for completion of the Consolidation Process specifying the major remaining steps in the Consolidation Process and the anticipated timeline for completing those steps. Each subsequent proposed schedule will include a written explanation for any changes in the anticipated timeline since the last proposed schedule that would result in the delayed completion of the Consolidation Process.

Reporting Requirement 2(d): If Scituate intends to deviate from the Schematic Design provided to OCR in a manner that may affect the accessibility of the new XXXX school at any time prior to completion of construction of the new XXXX school, the District will, at least 15 days prior to implementing the planned deviation, provide OCR a copy of the revised Schematic Design, a written explanation of the planned deviation, and a written assurance that the revised Schematic Design provides for the construction of a new XXXX school that is fully compliant with the 2010 ADA Standards.

Reporting Requirement 2(e): Within 15 days of the date that the new XXXX school begins to serve students, the District will inform OCR that the new XXXX school is operational and provide its written assurance that the new XXXX school is fully compliant with the 2010 ADA Standards.

Action Item 3

The District will develop a written plan to ensure that the District's services, programs, and activities located at the XXXX XXXX XXXX XXXX Schools, when viewed in their entirety, are readily accessible to and usable by qualified individuals with disabilities while the Consolidation Process is ongoing. The District will provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities,

to participate in the development of the plan by submitting written comments. The plan will, at a minimum:

- (a) summarize those parts of the XXXX XXXX XXXX XXXX Schools identified in the January 4, 2019 Habeeb & Associates “Scituate Public Schools XXXX Schools XXXX Schools Master Plan” and in OCR Complaint Nos. 01-18-1086 and 01-18-1307 as potentially presenting accessibility concerns to qualified individuals with disabilities;
- (b) describe in detail how the District will make its services, programs, and activities located at the XXXX XXXX XXXX XXXX Schools, when viewed in their entirety, readily accessible to and usable by qualified individuals with disabilities while the District is completing the steps described in Action Items 1 and 2;
- (c) include an explanation of how, in determining the methods it will use to fulfill its obligations under Action Item 3(b), the District has given priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate;
- (d) specify the schedule for taking the steps necessary for the District to complete all required actions under Action Item 3(b), and, if the schedule covers a period longer than one year, identify the steps that will be taken during each year of the schedule;
- (e) identify the District employee responsible for implementation of the plan; and
- (f) explain how the District will ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities at the District’s XXXX schools that are accessible to and usable by individuals with disabilities.

Reporting Requirement 3(a): By [90 calendar days from RA execution], the District will submit to OCR for review and approval the proposed plan developed in accordance with Action Item 3, documentation verifying its solicitation of written input from interested persons, and any written input received.

Reporting Requirement 3(b): The District will submit to OCR for review and approval documentation, which may include photographs, measurements, photographs showing measurements, invoices, repair records, purchase orders, statements from contractors regarding work done, or similar documentation, verifying its completion of the steps outlined in the approved plan developed pursuant to Action Item 3 every six months following OCR’s approval of that plan, and at additional intervals upon OCR’s reasonable request, until OCR verifies that all steps have been completed.

Action Item 4

The District will create a written procedure for processing requests for the District to make reasonable modifications to its policies, practices, or procedures to avoid discrimination on the basis of disability. The procedure will include reasonable requirements for qualified individuals with disabilities¹ to provide documentation of their disability and propose reasonable modifications, including provisions specifying:

- (a) that the Title II regulation, at 28 C.F.R. § 35.130(b)(7), requires the District to make reasonable modifications to its policies, practices, or procedures to avoid discrimination on the basis of disability, except if the District can demonstrate that making the modifications would fundamentally alter the nature of the District’s service, program, or activity, or would impose an undue financial or administrative burden on the District;
- (b) the name, title, and contact information of the District’s Section 504 coordinator or designee, whom the District has designated to process requests for reasonable modifications;
- (c) the type(s) of documentation, if any, that the District requires from an individual with a disability to evaluate his or her request for a reasonable modification;
- (d) that individuals with disabilities are responsible for obtaining disability documentation and for knowing and following the procedure;
- (e) that, upon receipt of a request for a reasonable modification and the documentation specified in Action Item 4(c), the District will
 - (i) familiarize itself with the individual’s disability and documentation,
 - (ii) engage in an interactive and collaborative process with the individual with a disability,
 - (iii) explore potential modifications,
 - (iv) exercise professional judgment in making a determination regarding the individual’s request,
 - (v) promptly notify the individual of the District’s determination and of the reason(s) for its determination, and
 - (vi) provide the individual an opportunity to respond and provide additional documentation that may address the District’s objections if the District denies the individual’s request.

¹ Or, if the individual with a disability is a minor, his or her parent(s) or guardian(s).

Within 30 school days of the date that OCR approves the District’s written procedure for processing requests for the District to make reasonable modifications to its policies, practices, or procedures to avoid discrimination on the basis of disability, the District will prominently post the procedure on the District’s website. Within 60 school days of approval of this procedure, the District will provide training to its Section 504 coordinator regarding the procedure’s requirements.

Reporting Requirement 4(a): Within **60 school days from RA execution**, the District will provide the written procedure described in Action Item 4 to OCR.

Reporting Requirement 4(b): Within 45 school days of the date that OCR approves the written procedure described in Action Item 4, the District will provide the URL(s) where the procedure is prominently posted and an assurance that the District’s Section 504 coordinator (and designee, as applicable) has been trained on its requirements.

General Requirements

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/_____/ Date: 6.7.19

Superintendent Ron Griffin
Scituate Public Schools