

RESOLUTION AGREEMENT
Narragansett Public Schools
OCR Complaint No. 01-18-1144

The Narragansett Public Schools (District) has voluntarily 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), 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

No later than 14 days after the signing of this agreement, the District shall evaluate the Student for eligibility for services under Section 504 or other federal law. If indicated by the evaluation, the District shall promptly convene a team meeting to determine (i) if the student is eligible for services, and (ii) whether compensatory services are appropriate for the Student in consideration of the absence of services for the Student since he enrolled in the District in 2012. If the team convenes, it shall memorialize its discussions and considerations in writing.

Reporting Requirement

By July 1, 2018, the District shall provide OCR with:

- (i) The results of the evaluation;
- (ii) Any team meeting or other notes created in compliance with Action Item 1, 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
- (iii) Documentation showing the Student received the compensatory services deemed appropriate by the team and/or a schedule for providing the Student with any remaining services.

Action Item 2

The District will create a procedure, or update its existing procedures, to ensure that students who have Individualized Education Programs (IEPs) or Section 504 plans with another district or school, and are transferring into the District, are identified, evaluated, and, if appropriate, placed

and provided services in accordance with the District’s obligation to provide a free appropriate public education (FAPE) to students with disabilities¹ (Procedure).

Reporting Requirement

- (i) By July 1, 2018, the District shall provide OCR for its review and approval a copy of the Procedure.
- (ii) Within 30 days of OCR’s approval of the Procedure, the District will provide documentation confirming that it has disseminated the Procedure to all District personnel involved in the enrollment of transfer students, and in the identification, evaluation and placement of students under Section 504 and Title II.

Action Item 3

The District shall ensure that it provides training to all persons responsible for implementing the Procedure, including all District personnel who are involved in: the enrollment of transfer students; the identification, evaluation, placement of students under Section 504 and Title II; and any other aspects of implementing the Procedure.

Reporting Requirement

Within 60 days of OCR’s approval of the Procedure, or by September 1, 2018, whichever is later, the District shall submit to OCR documentation regarding the training conducted, including:

- (i) the name(s)/title(s) of the individual who conducted the training;
- (ii) a list of all persons trained, including their school and their title,
- (iii) copies of all training materials used to train said persons on the Procedures, and
- (iv) the date(s) of all such trainings.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. 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 regulation implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which was 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.

¹ As provided at the regulations implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34 and 104.35.

