

RESOLUTION AGREEMENT
Middleborough Public Schools
OCR Complaint No. 01-18-1188

The Middleborough 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.

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*.

1. Although the Student has a current IEP that does not expire until XXXXXXXX 2019, the District will contact the Student's parent (Parent) by September 13, 2019, to offer to conduct an annual review by October 1, 2019.

Reporting Requirement: By October 15, 2019, the District will provide OCR with documentation demonstrating that the District offered an annual review to the Parent and documentation of the Parent's response (if any). If the Parent did not respond to the offer of an annual review, the District will so note in its documentation to OCR.

2. The District will provide information about the requirements, under Section 504, of the evaluation process to special education administrators, special education team chairs, and any other staff who oversee IEP or Section 504 team meetings. The information must include the following:
 - a. The District must evaluate any student who needs or is believed to need special education or related services due to a disability.
 - b. The District must conduct an evaluation before initially placing the student in regular or special education and before any subsequent significant change in placement.
 - c. A significant change of placement can include a change to educational setting (e.g., inclusion to self-contained; alternative program to therapeutic program), a substantial change in the amount or type of services provided (e.g., elimination of speech services, counseling services decreased from daily to twice per month), an exclusion from the educational program for more than 10 consecutive school days, or a series of short-term exclusions that total more than 10 school days and create a pattern of removal.
 - d. When interpreting evaluation data and making placement decisions, the District must:
 - (i) draw upon information from a variety of sources; (ii) establish procedures to ensure that information obtained from all such sources is documented and carefully considered; (iii) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and the placement options; and (iv) ensure that each student with a disability is

educated with peers without disabilities to the maximum extent appropriate to the needs of the student with a disability.

- e. When there is information suggesting that a student’s educational program may not be meeting the student’s individual needs (e.g., significant decline in the student’s grades or behavior, excessive absences, extended hospitalization), the IEP or Section 504 team should consider whether further evaluation or revisions to the student’s placement, IEP, or 504 plan are necessary. In making this decision, the IEP or Section 504 team should consider whether evaluative data that pre-dates the information suggesting changed needs is still probative of the student’s current needs.

Reporting Requirement: By October 15, 2019, the District will provide OCR with documentation (e.g. meeting agendas, emails, etc.) demonstrating that the District reminded its special education administrators, special education team chairs, and any other staff who oversee IEP or Section 504 team meetings about the requirements for the evaluation process.

- 3. The District will provide a reminder to building based principals that reentry meetings are distinct from IEP and 504 Team meetings. An IEP Team meeting or 504 meeting will be held to review new evaluation information, draft or amend IEP’s or 504 plans, and to discuss and offer a change in placement for a student. Such meetings will adhere to the District’s procedures for IEP / Section 504 team meetings (e.g., notice, attendance, structure, notes).

Reporting Requirement: By October 15, 2019, the District will provide OCR with documentation demonstrating that the District has informed its principals of the information regarding the distinction between reentry meetings and IEP/504 Team meetings, as outlined in Item 3.

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/_____
Superintendent Brian E. Lynch

Date: _____