

**RESOLUTION AGREEMENT**  
**Agawam Public Schools**  
***OCR Complaint No. 01-18-1222***

The Agawam Public School District (District) has entered into this agreement to resolve the allegation in the above-referenced complaint. The District assures OCR 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*.

**Action Item 1**

By February 1, 2023, after providing proper written notice to the Complainant, the District will convene a team meeting to determine whether compensatory services are appropriate for Student 1 for potential missed services for the XXXX XXXX. The District will ensure that the team includes a group of persons who are knowledgeable about the Student and her disability, the meaning of Student 1's evaluation data, and the placement options. The District will make reasonable efforts to include the Complainant, and the District will provide the Complainant with notice of the procedural safeguards, including the right to challenge the team's determination through an impartial due process hearing.

By February 1, 2023, after providing proper written notice to the Complainant, the District will convene a team meeting to discuss a Section 504 plan to address Student 2's XXXX. The District will ensure that the team includes a group of persons who are knowledgeable about the Student and his disability, the meaning of Student 2's evaluation data, and the placement options.

**Reporting Requirements**

By March 1, 2023, the District shall provide OCR with the following documentation as to Student 1:

1. 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
2. Documentation showing the Student received any compensatory services deemed appropriate by the team and/or a schedule for providing Student 1 with any remaining services.

By March 1, 2023, the District shall provide OCR with documentation as to Student 2, including any team meeting or other notes, including the names/titles of attendees, minutes of the meeting, and the Section 504 plan.

## **Action Item 2**

By February 1, 2023, the District will identify a person(s) who will oversee the Section 504 identification, evaluation, identification, and placement process for students at the XXXXXXXXXXXXXXXXXXXXXXXXXXXX School for medical and non-medical Section 504 plans, and coordinate with school and district-level administrators responsible for evaluating students for special education under an Individual Educational Program. The District will ensure that the person(s) will be properly trained on Section 504 procedures. The District will annually also notify staff and parents of this position, and provide the person(s)' contact information for those seeking resources on Section 504, special education, or to make a referral for an evaluation.

By March 1, 2023, the District shall review and ensure that students currently enrolled at the XXXXXXXXXXXXXXXXXXXXXXXXXXXX School who are on Allergy Action Plans (AAPs) and/or Individual Health Care Plans (IHCPs) for life-threatening food allergies are also identified for Section 504 plans, if appropriate.

## **Reporting Requirements**

By March 1, 2023, the District shall:

1. Provide OCR with the name and title of the person who will oversee the Section 504 process at the XXXXXXXXXXXXXXXXXXXX School, as well as their qualifications and training.
2. Provide OCR with documentation showing that it has notified staff and parents at the XXXXXXXXXXXXXXXXXXXX School with contact information for those seeking resources on Section 504, special education, or to make a referral for an evaluation.
3. Provide OCR with a list of students currently at the XXXXXXXXXXXXXXXXXXXX School who are on Allergy Action Plan and/or Individual Health Care Plans for life-threatening food allergies. The list will include a brief statement for each student regarding how/whether the provisions of the individual health care plan are addressed in the relevant Section 504 plan or IEP, including page citations. The District will also provide OCR with copies of the students' respective Allergy Action Plans and corresponding Section 504 plan or IEP.

By April 1, 2023, for students in XXXXXXXXXXXXXXXXXXXX School whose Allergy Action Plans and/or Individual Health Care Plans for life-threatening food allergies is not addressed in their Section 504 plan or IEP, District will convene a Section 504 or IEP team to consider the student's Allergy Action Plan and/or Individual Health Care Plan for life-threatening food allergies and whether it should be addressed in a Section 504 plan or IEP. By May 1, 2023, the District will provide to OCR any team meeting or other notes, including the names/titles of attendees and minutes of the meeting, and, if applicable, a statement explaining why the team chose not to address the student's Allergy Action Plan and/or Individual Health Care Plan for life-threatening food allergies.

### **Action Item 3**

By March 1, 2023, the District will provide Section 504 and Title II training to its 504 Coordinator(s), nurses, school adjustment counselors, and guidance staff at the XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX School. In addition to Section 504's requirements generally, this training will place an emphasis on 34 C.F.R. Section 104.35(a) of the Section 504 implementing regulation regarding when the District is required to conduct a Section 504 evaluation of a student. The training should include hypothetical examples and discussions about when a Section 504 evaluation would be required by law, including examples of a student who reports having a life-threatening allergy, and a student who exhibits XXXXXXXXXXXXXXXX concerns. The District will also re-disseminate its Section 504 policy to all participants following the training.

## Reporting Requirements

Within ten days of conducting the training required by Action Item 4, the District shall provide OCR with:

1. A list of the individuals who attended the training and their titles;
2. The date(s) the training was conducted;
3. Copies of the training materials disseminated at the training; and
4. The name and credentials of the individual(s) who conducted the training.

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, and its compliance with the statute(s) and regulation(s) that were at issue in this case, 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/ Shelia Hoffman Date: \_\_\_\_\_  
Shelia Hoffman, Superintendent