

**Resolution Agreement
Holyoke Public Schools
Holyoke High School
Case Number 01-18-1255**

The Holyoke Public Schools (District) and Holyoke High School (School) enter into this Resolution Agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District or the School. The District and the School assure OCR that they will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131-12134, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

The District and the School agree to the following:

1. By October 15, 2018, the School will provide effective training to all School general education teachers on the Section 504 regulation at 34 C.F.R. § 104.33, which requires the School to provide a Free Appropriate Public Education (FAPE). Specifically, the training will focus on the steps needed to ensure that students receive FAPE by fully implementing services identified and developed in a Section 504 Plan or individualized educational program (IEP) for that purpose.

REPORTING REQUIREMENT:

By October 15, 2018, the District will provide OCR documentation demonstrating its implementation of item #1. Specifically, the District will provide OCR the names and titles of the individuals who attended the training session(s), sign-in sheet(s) for the training session(s), the date(s) and time(s) the training session(s) occurred, the name(s) and credentials of the individual(s) who conducted the training session(s), and copies of the agenda and other materials disseminated at the training session(s).

2. By September 30, 2018, after providing proper notice to the Complainant, the District will convene a group of persons knowledgeable about Student A, (*i.e.*, Student A's IEP team) to determine whether Student A was denied a FAPE during the 2017-2018 school year as a result of any failure by the School to implement the provisions of Student A's IEP, and whether the provision of compensatory services and/or remedial measures to Student A is warranted.

REPORTING REQUIREMENT:

- a. By September 30, 2018, the District will provide OCR documentation demonstrating its implementation of item #2. Specifically, the District will provide written notice to OCR of the decision as to whether compensatory services and/or remedial measures

were or were not warranted. In the event the group determines that compensatory services and/or remedial measures are warranted, the District will provide OCR written notice of what those services will consist of. In the event the group determines that compensatory services and/or remedial measures are not warranted, then the District will provide OCR with an explanation of the group's decision and documentation supporting the determination. The District will also provide OCR with a list of meeting participants (by name and title), the meeting summary notes, prior written notice documentation resulting from the meeting, and the applicable procedural safeguards that it provided to the Complainant. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

- b. If warranted, by December 31, 2018, the District will provide documentation to OCR demonstrating that it has provided the compensatory services and/or remedial measures that Student A's IEP team determined necessary to ensure that Student A received a FAPE. To the extent applicable, the documentation should include the dates, times, and services that were provided and the name(s) of the service provider(s).

The District and School understand that by signing this Agreement, they agree to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District and School understand that during the monitoring of this Agreement, if necessary, OCR may visit the District and/or School, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District and/or School have fulfilled the terms of this Agreement. Upon the District and School's satisfaction of the commitments made under the Agreement, OCR will close the case.

The District and School understand and acknowledge 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 and/or School written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below.

XXXXX, Chief of Pupil Services
On Behalf of the District

Date