

RESOLUTION AGREEMENT
Windsor Public Schools
OCR Complaint No. 01-18-1257

U.S. Department of Education's Office for Civil Rights ("OCR") opened the above complaint for investigation under 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. § 12132, and its implementing regulation at 28 C.F.R. Part 35. Prior to the completion of OCR's investigation of the complaint, the Windsor Public Schools ("District") agreed to resolve the investigation into the Section 504 allegation pursuant to Section 302 of OCR's *Case Processing Manual*. The District voluntarily enters into this Agreement to resolve the allegation raised in the complaint. In signing this Agreement, the District does not admit any wrongdoing or violation of any law, statute, regulation or policy, and is entering into this Agreement solely for purposes of amicably resolving this complaint.

Accordingly, to resolve Complaint No. 01-18-1257, the District agrees to take the following actions:

Procedures

1. By **January 31, 2019**, the District will develop, update and/or amend its policies and procedures addressing the provision of special education and related services to students with disabilities, as required by Section 504 of the Rehabilitation Act of 1973 and the American's with Disabilities Act. These policies and procedures shall include, at a minimum, the following:
 - a. Assurance that the District will provide a free appropriate public education in the least restrictive environment to all students with disabilities enrolled in the District;
 - b. Contact information (name or title, office address, telephone number and email address) of the individual responsible for the District's Section 504 compliance;
 - c. A provision to ensure that all staff within the District, including substitute teachers, receive sufficient information to implement Section 504 plans and provide an appropriate education to each student;
 - d. A provision to ensure the timely distribution of copies of Section 504 plans to parents and relevant staff members
 - e. A provision to ensure implementation of Section 504 plans as written, until such time as the plans are, as appropriate, amended, modified or discontinued by the Section 504 team.
 - f. A provision prohibiting District staff and employees from retaliating against an individual for the purposes of interfering with any right or

privilege secured by Section 504 of the Rehabilitation Act (Section 504) or Title II of the Americans with Disabilities Act (Title II).

The policy and procedures may also include provisions related to providing a free appropriate public education to students with disabilities as required under the Individuals with Disabilities in Education Act (IDEA).

REPORTING REQUIREMENT: By February 15, 2019, the District will submit its policy and procedures to OCR for review and approval.

2. Within 15 calendar days of written notification of OCR's approval of the procedures developed in accordance with Item 1, the District will implement the procedures and will provide written notification of such to parents of students with Section 504 plans and to all District teachers, aides, assistants, administrators, and other personnel who serve students with Section 504 plans.

REPORTING REQUIREMENT: By April 30, 2019, the District will provide OCR with documentation that it has implemented Item 2, including copies of the written policy and procedures and a link to them if they are published on a website.

Staff Training

3. By **June 30, 2019**, the District will provide training to all District teachers, aides, assistants, administrators, and other personnel who serve students with Section 504 plans, regarding the procedures referenced in Item 1. The training will inform trainees of the prohibitions against retaliating against any individual who is attempting to secure or has secured any right or privilege guaranteed by Section 504 or Title II.

REPORTING REQUIREMENT: By July 31, 2019, the District will provide OCR with documentation that it has provided the training referenced in Item 3, including the dates of the training, the names and titles of the trainer(s), a copy of materials used or distributed during the training, and a sign-in sheet with the names and titles of the staff who attended the training.

Student-Focused Remedies

4. The District will take the following actions with respect to Student A:
 - a. By **January 15, 2019**, the District will convene a Section 504 meeting to review whether Student A is entitled to compensatory educational services due to the District's alleged failure to implement Student A's Section 504 plan during the 2017-2018 school year, including but not limited to any failure to provide school-based counseling throughout the school year and

delay in implementing the Section 504 plan originally drafted in February 2018. The Section 504 meeting shall include a group of individuals knowledgeable about Student A's disability, including, but not limited to, Student A's parent(s), at least one general education teacher(s) and at least one District representative. At the meeting, the District will provide Student A's parent(s) with a copy of the District's Notice of Procedural Safeguards, Grievance and Hearing Procedures. If the Section 504 team determines that Student A is entitled to compensatory services, the team will also determine what services are appropriate and will develop a plan to provide such services not to extend beyond the 2019-2020 school year.

REPORTING REQUIREMENT: No later than **January 31, 2019**, the District will submit to OCR a copy of the 504 meeting minutes or similar documentation, which shall include the basis for decisions made at the meeting. If it is determined that Student A is entitled to compensatory educational services, the District will submit to OCR a description of and schedule for providing any compensatory services to Student A.

5. OCR will review the documentation 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. Within one (1) week of OCR's approval of the District's plan to provide compensatory educational services to Student A, or the District's decision that Student A is not entitled to compensatory educational services, the District shall:
 - a. Notify the parent(s) of Student A in writing of its decision and the basis for the decision. If the District determines that Student A is entitled to compensatory educational services, the District shall begin providing such services within one (1) week of its written decision.

REPORTING REQUIREMENT: If applicable, by **July 1, 2019**, and if services extend into the 2019-2020 school year, **July 1, 2020**, the District shall provide documentation to OCR setting forth the dates, times and locations that compensatory educational services were provided to Student A, a description of what was provided, and the name(s) of the service provider(s).

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 this Resolution Agreement. Further, the District understands that during the monitoring of this Resolution Agreement, if necessary, OCR may visit the District, interview employees 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 Resolution Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.33 and 104.37 and Title II at 28 C.F.R. § 35.130(a), which were at issue in this case.

The District understands that OCR will not close the monitoring of this Resolution Agreement until OCR determines that the District has fulfilled the terms of this Resolution Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.33 and 104.37 and Title II at 28 C.F.R. § 35.130(a), which were at issue in this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Resolution Agreement. Before initiating administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Resolution Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Approved and agreed to on behalf of Windsor Public Schools.

Dr. Craig Cook, Ph. D., Superintendent

Date