

**RESOLUTION AGREEMENT**  
**Holyoke Public Schools**  
**OCR Complaint No. 01-18-1388**

The Holyoke Public Schools (District) has voluntarily entered into this agreement to resolve the allegations in the above-referenced complaint. This Agreement does not constitute an admission of liability, noncompliance or wrongdoing by the District. 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*. The District assures that it will take the following actions.

**Action Item 1**

By **March 1, 2019**, after providing proper written notice to the Student's parents, the District will convene an IEP team meeting. At the meeting, the District will:

- a. Invite the Student's parents to share their concerns regarding the implementation of following provisions in the Student's IEP during the spring and fall of 2018: writing, reading, math and counseling services, and social skills group;
- b. Determine whether any additional remedies or services are appropriate at this time to provide the Student a free appropriate public education (FAPE) under Section 504;
- c. Discuss the need for compensatory services based on any failures to comply with these provisions of the Student's IEP;
- d. Provide the Student's parents with a meaningful opportunity to offer input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36;
- e. Create a schedule for providing any compensatory services; and
- f. Maintain detailed minutes.

**Reporting Requirement**

1. By **March 15, 2019**, the District will submit to OCR a copy of the following materials:
  - i. a list of attendees that includes the names and titles of those at the meeting;
  - ii. meeting minutes;
  - iii. an explanation of the District's determination for Action Items 1(b) and (c), and schedule for providing any additional services or other remedies to the Student; and
  - iv. any other supporting team meeting materials that address the Action Items above.

**Action Item 2**

By **May 1, 2019**, the District will determine whether any other students attending XXXXXXXX School missed services while the Student's special education teacher was proctoring the Massachusetts Comprehensive Assessment System (MCAS) in the spring of 2018. The District

will also determine whether any other students attending the XXXXXX School were in the Student's scheduled social skills group that did not occur in the fall of 2018.

For every student, if any, the District identifies in Action Item 2 as having not received services as provided for in the student's IEP or 504 plan, the District will:

- a. offer to convene the student's IEP or 504 team to determine if the failure to provide services in accordance with the IEP or 504 plan resulted in a denial of FAPE. For any such student who does not presently have an IEP or 504 team, the District will offer to convene an appropriate IEP or 504 team to determine compensatory services; and
- b. determine, for any student for whom the Team determines that the failure to provide the services in accordance with the IEP or 504 plan resulted in a denial of FAPE, the type and amount of compensatory services to be provided to the student to remedy said denial of FAPE.

The District will take reasonable steps to offer to convene the student's team, including communicating with the parents/guardians through multiple methods (by letter, phone, and email) and ensuring that the meeting is offered to be held at a time and place convenient to the parents and/or guardians. The District's communication to the parents and/or guardians will clearly indicate the purpose of the team meeting, including that the student may have missed services. The District will provide the students' parents and/or guardians with a meaningful opportunity to provide input into the determination, as well as notice of the determination made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree. If the parents/guardians decline the offer to have the student's team convened for this purpose and/or do not respond to the multiple methods of invitation provided to them, the District will have no obligation to convene the student's team and engage in Action item 2(b) for that student.

### **Reporting Requirements**

1. By **June 3, 2019**, the District will provide to OCR:
  - i. a list of students identified in Action Item 2,
  - ii. meeting minutes for any team meetings held pursuant to Action Item 2; and for any student whose parents/guardians declined to meet or did not respond to the District's offers, documentation of the District's offers to convene the student's team.

### **Action Item 3**

By **April 1, 2019**, a member of the District's leadership team will meet with each staff member who was responsible for implementing the Student's IEP in the spring and fall of 2018. The leadership team member will review the legal requirement to fully implement an IEP, and who to contact if the staff person needs assistance implementing an IEP in the future.

**Reporting Requirements**

1. By **May 1, 2019**, the District will provide OCR with a written statement that it has held the meetings described in Action Item 3, including the date(s) of the meetings and the names/titles of the leadership team member and staff members.

**Action Item 4**

By **April 1, 2019**, the District will review and revise, as necessary, its practices/protocols regarding the assignment of proctors for standardized testing, including but not limited to the Massachusetts Comprehensive Assessment System (MCAS), to ensure that the proctor assignments do not interfere with the provision of special education and related aids and services to students as required by their IEPs or 504 plans.

**Reporting Requirements**

1. By **May 1, 2019**, the District will provide OCR with a written description of its practices/protocols described in Action Item 4.

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, 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 and/or the applicable statute(s) and regulation(s). 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: \_\_\_\_\_ Date: \_\_\_\_\_  
Marianne Currier, Chief of Pupil Services  
On Behalf of the District