

RESOLUTION AGREEMENT
Melrose Public Schools
OCR Complaint No. 01-19-1160

The Melrose Public Schools (District) has entered into this agreement to resolve Allegation 1 in the above-referenced complaint.¹ The District has agreed to resolve Allegation 1 prior to the completion of OCR's investigation pursuant to Section 302 of OCR's *Case Processing Manual*.² The District assures that it will take the following actions however its agreement shall not be construed as an admission of liability.

Action Item 1: Individual Remedy for the Student

By June 15, 2021, after providing proper written notice to the Student's parents, the District will convene a team meeting to determine: (a) whether during the 2019-2020 school year, the Student experienced effects of bullying (e.g., the Student had adverse changes in her academic performance or behavior); (b) whether the Student's current Individualized Education Program (IEP) should be further revised to address any changes in her needs resulting from the effects of bullying that occurred during the 2019-2020 school year, in addition to the provisions already discussed and included by the IEP Team in the Student's IEP relating to her
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XXXXXXXXXX; and if so, (c) whether compensatory services are appropriate for the Student because she was no longer receiving a free appropriate public education (FAPE) as a result of the effects of bullying. If the District and the Student's parents cannot find a mutually agreeable time prior to June 15, 2021, this deadline can be extended with notice and agreement from OCR.

The District will ensure that the team includes a group of persons who are knowledgeable about the Student and her disability, the meaning of the Student's evaluation data, and the placement options.

Reporting Requirements

By June 30, 2021, the District shall provide OCR with:

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

¹ Allegation 1 involved whether the District was on reasonable notice that the Student's educational needs may have changed as a result of bullying, and if so, whether the District failed to convene a team meeting to ensure that the Student was receiving a free, appropriate, public education (FAPE), in violation of 34 C.F.R. Section 104.35 and 28 C.F.R. Section 35.130.

Action Item 2: Policies and Procedures

The District will review and revise as necessary its policies and procedures related to bullying of students with disabilities, including but not limited to the District’s “Bullying Prevention and Intervention Plan.” The revised policies and procedures will ensure that the District promptly convenes a Section 504 or IEP team meeting to determine whether a student’s educational needs may have changed as a result of the effects of bullying such that the student is no longer receiving FAPE and, if so, the District will: determine the extent to which additional or different services are needed; ensure that any needed changes are made promptly; and safeguard against putting the onus on the student with the disability to avoid or handle the bullying. The District will also ensure that its policies and procedures for the identification, evaluation, and placement of students with disabilities under Section 504/Title II incorporate by reference or cross-reference the Bullying Prevention and Intervention Plan.

Reporting Requirements:

1. By August 1, 2021, the District will submit its revised policies and procedures to OCR for its review and approval.
2. Within thirty (30) calendar days of OCR’s approval, the District will adopt, implement, and publish the revised policies and procedures. The District will make this information available through the District’s website and any other additional means of notification the District deems effective to ensure that the information is disseminated. The District will provide OCR with documentation that it has completed this item, including copies of written notices to students, parents/guardians, administrators, and staff, and a copy of any publications (such as student handbooks) or a link to any website containing the policy.

Action Item 3: Training

By September 30, 2021, the District will provide Section 504/Title II training to all special education administrators, Section 504/IEP team chairs, and other staff at the Lincoln School responsible for evaluating/re-evaluating students for Section 504 plans/IEPs. The training will include the District’s obligation to promptly convene a Section 504 or IEP team meeting to: (1) determine whether a student’s educational needs may have changed as a result of the effects of bullying such that the student is no longer receiving FAPE, and if so (2) determine the extent to which additional or different services are needed, ensure that any needed changes are made promptly, and safeguard against putting the onus on the student with the disability to avoid or handle the bullying.

Reporting Requirements

By October 15, 2021, the District will provide to OCR:

- a. A list of the individuals who attended the training and their positions;
- b. The date(s) the training was conducted; and
- c. Copies of any training materials disseminated.

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 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/_____ Date: _____5/27/2021_____

Superintendent or Designee