

RESOLUTION AGREEMENT
Wachusett Regional School District
OCR Complaint No. 01-19-1221

Wachusett Regional School District (the District) has voluntarily entered into this agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR) to resolve the allegations in the above-referenced complaint. The District assures OCR that it will take the following actions and will meet its obligation to comply with the requirements of Section 504 and Title II of the ADA, or any other law enforced by OCR.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of these investigations, the District agrees to take the following actions.

Action Item 1:

The District will revise its policies and procedures regarding the evaluation, identification, and placement of students in accordance with the requirements of Section 504 (the Section 504 Policy) and will implement such Policy. Specifically, the District's Section 504 Policy must include the following items:

- A narrative description of the District's evaluation procedures that includes a reference to the District's 'child find' responsibility for the evaluation and placement of students who because of their disability need or are believed to need special education or related services under Section 504, in compliance with 34 CFR § 104.35(a) and (b).

In addition to the foregoing, the Section 504 Policy must include the following provisions:

- A statement that administrators shall not, except in accordance with a voluntary written agreement between the District (relying on persons knowledgeable about the student, the meaning of evaluation data, and placement options) and a parent/guardian or adult student, modify or terminate services or change the placements of students who have been determined to be eligible for Section 504 plans or Individualized Education Plans (IEPs), without first convening a group of person knowledgeable about the student (Team) who will make a collective decision about the changed requirement;
- A statement that the aids and services specified by a Section 504 Plan or IEP must be provided to students, unless modifications to or amendments of the Plan are determined appropriate by the Team; and
- A statement that a determination to change a student's placement to a more restrictive environment shall, except in accordance with a voluntary written agreement between the District (relying on persons knowledgeable about the student, the meaning of evaluation data, and placement options) and a parent/guardian or adult student, be

made by a duly convened Team. The District will also revise its Parent/Student Rights in Identification, Evaluation and Placement policy to provide information about how parents and/or students can file for due process if they disagree with the Section 504 Team's determination, including contact information for the Section 504 coordinator or other official responsible for Section 504 appeals.

Reporting Requirement:

- (a) By XXXXXXXXXX , the District will provide for OCR's review and approval a draft of the Section 504 Policy.
- (b) Within thirty (30) calendar days of OCR's written approval of the Section 504 Policy, the District will provide written notice to OCR that the District has formally adopted the Section 504 Policy and electronically disseminated the Section 504 Policy to students, parents/guardians, and employees. The District will also provide OCR the following documentation:
 - i. Evidence of the electronic dissemination of the Section 504 Policy; and
 - ii. A copy of any publications or a link to any website containing the Section 504 Policy.

Action Item 2:

The District will provide training for District administrators and staff responsible for bullying investigations with respect to the District's Bullying Intervention and Prevention Plan (BPIP), specifically with reference when parents/guardians should be interviewed in accordance with the District's BPIP.

Reporting Requirement:

- (a) The District will provide OCR with documentation that it conducted the training identified in Action Item 2 by XXXXXXXXXX . This documentation will include, but will not be limited to, the date(s) of the training; the agenda and attendance sheets from the training. The attendance sheets shall include the names, titles/positions, and signatures of all staff who attended or participated in the training.

Action Item 3:

The District will provide training for District administrators, Section 504 Coordinators and IEP Team Chairpersons/Liaisons responsible for special education and Section 504, with respect to the requirement that a determination to change a student's placement to a more restrictive environment must, except in accordance with a voluntary written agreement between the District (relying on persons knowledgeable about the student, the meaning of evaluation data, and placement options) and a parent/guardian or adult student, be made by a duly convened Team,

who will consider whether a student is unable to remain in the regular educational environment, even with the use of supplementary aids and services. Training is to be conducted by an individual (Trainer) with expertise in FAPE.

Reporting Requirement:

- (a) The District will provide the Trainer(s)'s credentials and the training materials for the training identified in Action Item 3 to OCR for review and approval no fewer than 30 calendar days prior to the training.
- (b) The District will provide OCR with documentation that it conducted the training identified in Action Item 3 by XXXXXXXXXX . This documentation will include, but will not be limited to, the date(s) of the training; the agenda and attendance sheets from the training. The attendance sheets shall include the names, titles/positions, and signatures of all staff who attended or participated in the training.

Action Item 4:

By XXXXXXXXXXXXXXXX , the District will convene a team to determine whether the District's action in assigning direct supervision of the Student by an adult throughout the school day without convening an IEP team meeting resulted in the denial of a FAPE for the Student and if so, what compensatory and/or remedial services, if any, will be provided to the Student.

Reporting Requirement:

- (a) By XXXXXXXX , the District will provide documentation:
 - i. Regarding the Team's decision, including the date of the meeting, names and title of attendees, and the basis for the decision; and
 - ii. Documentation reflecting the delivery or planned delivery of any compensatory services proposed by the Team at the Team meeting to be conducted on or before XXXXXXXX .

General Requirements

The District understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this 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 of this Agreement and is in compliance with Section 504 and Title II and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 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 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:

By: _____/s/_____ Date 4/24/2020
Superintendent