

RESOLUTION AGREEMENT
Boston Public Schools
OCR Complaint No. 01-20-1117

The Boston Public Schools (District) has voluntarily entered into this agreement to resolve the allegation in the above-referenced complaint. The District assures that it will take the following actions. 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*.

Action Item 1: Individual Student Remedy

By October 1, 2020, after providing proper written notice to the Student's parent, the District shall convene a team to re-evaluate the Student's eligibility for an Individualized Education Program (IEP) in accordance with the procedural requirements set forth in Section 504 at 34 C.F.R. § 104.35. The team may rely on the Student's 2019 testing to re-evaluate the Student's eligibility provided the team has determined that the 2019 testing is sufficiently current and relevant for them to base their decisions on the Student's current needs. The team will also review whether cultural factors were inappropriately considered at the prior team meeting in determining the Student's ineligibility for an IEP and if so, whether compensatory services are appropriate for the Student.

The District will ensure that the team includes a group of persons who are knowledgeable about the Student and his disability, the meaning of the Student's evaluation data, and the placement options. In accordance with the Section 504 at 34 C.F.R. §§ 104.3 and 104.33, the team will consider if the Student has a mental or physical impairment that substantially limits one or more major life activities, and if so, whether the Student requires special education in order to receive a free appropriate public education (FAPE). If the student is determined eligible, the District will develop an IEP based on the evaluative data, information from a variety of sources, and the individualized needs of the Student.

Reporting Requirements

By November 1, 2020, the District shall provide OCR with:

1. The results of the re-evaluation;
2. Any team meeting or other notes, including the names/titles of attendees, and minutes of the meeting, including an explanation of the basis for the District's decisions regarding the Student's eligibility for an IEP and/or compensatory services;
3. If applicable, a copy of the Student's IEP and an explanation of the District's method for determining the type and amount of any compensatory services deemed appropriate for the Student; and
4. 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.

Action Item 2: Revision of Section 504 Documents

The District will revise its Section 504 Plan template and related materials (including but not limited to forms and manuals) used in the identification, evaluation and placement of students with disabilities under Section 504, consistent with the procedural requirements of Section 504 at 34 C.F.R. § 104.33 *et seq.* In particular, the template and related materials will be revised to eliminate references to “reasonable accommodations” and will clearly state that students determined eligible under Section 504 are entitled to a free appropriate public education (FAPE) (as opposed to “access to the general curriculum”), i.e., the provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met.

Reporting Requirements

1. By October 30, 2020, the District will provide OCR with the revised template and related materials for review and approval.
2. Within thirty (30) calendar days of OCR’s approval, the District will adopt, implement, and publish the revised template and related materials, and will make this information available to administrators and staff through the District’s website and any other additional means of notification the District deems effective to ensure that the information is disseminated.
3. Within seven (7) calendar days of the District’s adoption, implementation, and publication of the revised template and related materials, and notification to District administrators and staff, the District will provide OCR with documentation that it has completed this item, including copies of written notices sent to administrators and staff, and copies of the revised template, forms, and manuals, or a link to any website containing the revised documents.

Action Item 3: Training

By December 1, 2020, the District will provide training to the XXXXXXXXXXXXXXXXXXXXXXX administrators, Coordinator of Special Education, and special education and Section 504 team chairs on the District’s obligations regarding the identification, evaluation and placement of students with disabilities and the provision of FAPE pursuant to Section 504 at 34 C.F.R. § 104.33 *et seq.* The training will include the revised template and related materials referenced in Item 2. The training will also address the appropriate consideration of cultural factors that may impact a student’s progress and achievement, apart from disability, in determining a student’s eligibility for special education and/or related aids and services.

Reporting Requirements

Within ten days of conducting the training required by Action Item 3, the District will provide OCR documentation of the training undertaken, including:

1. The individual(s) who conducted the training and their credentials;
2. A list of the individuals who attended the training and their titles;

3. The date(s) the training was conducted; and
4. 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: _____
Superintendent Brenda Cassellius