## **RESOLUTION AGREEMENT** West Haven Board of Education *OCR Complaint No. 01-21-1072*

The West Haven Board of Education (District) has entered into this agreement to resolve the allegation in the above-referenced complaint. 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

After providing proper written notice to the Student's parent/guardian and obtaining the parent/guardian's consent, the District shall make arrangements for the Student to be evaluated at District expense by XXXX XXXX XXXX XXXX XXXX for eligibility for services under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II).

If indicated by the evaluation, the District shall promptly convene a team meeting to determine if the Student is eligible for services, and whether compensatory services are appropriate for the Student in consideration of the delay in conducting the evaluation. To determine eligibility, the District 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 needs special education or regular education and related aids and services. If the Student is eligible, the District will develop a plan based on the evaluative data, information from a variety of sources, and the individualized needs of the Student. The District will ensure that the team includes a group of persons who are knowledgeable about the Student and the Student's disability, the meaning of the Student's evaluation data, and the placement options.

### **Reporting Requirement**

By October 15, 2021, the District will provide documentation to OCR demonstrating that the Student was evaluated and, if indicated by the evaluation, the Section 504 team met in accordance with Action Item 1. This documentation will include but not be limited to:

- The results of the evaluation; and
- The date of the meeting; and
- 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, if any; and
- 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

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.* 

The District will ensure that the evaluations for all students who were determined by the District during the 2020-2021 academic year to be in need of evaluations to determine eligibility under Section 504 have been conducted.

#### **Reporting Requirement**

- (a) Within 30 days of executing this Agreement, the District will provide a list to OCR of all such students.
- (b) No later than October 15, 2021, the District will provide documentation to OCR sufficient to demonstrate that all such evaluations have been conducted. An affidavit from the Superintendent listing the names of the students and the date(s) the evaluation(s) were conducted is one means of satisfying this requirement.

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 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: | /s/ _Neil Cavallaro | Date: | _6/24/2021_ |  |
|-----|---------------------|-------|-------------|--|
|     | Superintendent      |       |             |  |