

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 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.

