

**RESOLUTION AGREEMENT**  
**Milton Public Schools**  
**OCR Complaint No. 01-21-1555**

The Milton Public Schools (District) has voluntarily entered into this agreement to resolve the allegation in the above-referenced complaint. This agreement does not constitute an admission of discrimination or wrongdoing in violation of Section 504 of the Rehabilitation Act of 1973 or any other governing laws or regulations. 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**

By December 1, 2021, after providing written notice to the Student's parents, the District shall convene a team meeting to determine if the Student is eligible for compensatory services under Section 504 in consideration of the District's delay in evaluating the Student under Section 504. 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.

The District will provide the parents written notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including the right to challenge the District's determination through an impartial due process hearing, prior to the Team meeting.

**Reporting Requirements:**

By January 1, 2022, the District shall provide OCR with:

1. 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;
2. A copy of the notice of procedural safeguards provided to the parents; and
3. 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 District will determine whether there are other students at XXXXXXXXXXXX XXXXXXXXXXXX School (School) who are currently placed on Individual Curriculum Accommodation Plans (ICAPs) that should be referred for an evaluation under Section 504. For each student, the District will consider whether it has reason to suspect that the student has a mental or physical impairment that substantially limits one or more major life activities. For all students who are referred, the District shall promptly convene a team meeting to determine eligibility, and whether compensatory services are appropriate. The District will follow the procedural

requirements of Section 504 in conducting these team meetings.

**Reporting Requirements:**

1. By January 15, 2022, the District shall provide OCR with:
  - i. A list of all students at the School on ICAPs from the 2020-2021 school year to present; including the date the student was placed on an ICAP; and
  - ii. A written determination of the District’s decision regarding whether each student should be evaluated for Section 504 eligibility.
2. By February 15, 2022, the District shall provide OCR with:
  - i. The results of the evaluation for each student (if any);
  - ii. 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
  - iii. A copy of the notice of procedural safeguards provided to parents and/or guardians.

**Action Item 3**

The District will provide Section 504/Title II training to the District’s 504 Coordinator(s), Team Chairs, Principals, XXXXXX XXXXXXXXXXXXX, and any staff directly involved in the SST/ICAP processes. At a minimum, the training will include an overview of Section 504’s procedural requirements, including the standard for determining whether an individual has a disability, Section 504 evaluation procedures, and an explanation of the differences between an ICAP and a Section 504 Plan.

**Reporting Requirements:**

1. By March 1, 2022, the District will provide, for OCR’s review and approval, a copy of the training materials it will use, as well as the credentials of the trainer/presenter.
2. Within thirty (30) days of OCR’s approval, the District will provide to OCR:
  - i. A list of the individuals who attended the training and their positions;
  - ii. The date(s) the training was conducted; and
  - iii. Copies of any training materials disseminated.

**Action Item 4**

By March 1, 2022, the District will develop/review and revise as necessary its Section 504 policies and procedures. The policies and procedures will ensure that:

- a. Any student who may need regular or special education or related aids and services because of a disability is evaluated before taking any action with respect to the student’s initial placement and before any subsequent significant change in placement;
- b. If a parent/guardian requests a Section 504/IEP evaluation, a team meeting is held to determine what the suspected disability is and what evaluation shall be undertaken.

- c. The District is ultimately responsible for collecting evaluative data concerning a suspected disability and cannot unreasonably delay an evaluation waiting for a parent/guardian to produce documentation;
- d. Tests and other evaluation materials are administered by trained personnel and are reliable and are valid for the purpose for which they are being used;
- e. In making eligibility decisions, the team determines whether the Student has a mental or physical impairment that substantially limits one or more major life activities;
- f. Placement decisions are made by a group of persons knowledgeable about the student, the evaluation data, and the placement options;
- g. Placement decisions are based on information from a variety of sources, with information from all sources being carefully considered and documented;
- h. Students, at a minimum, are periodically reevaluated, including being reevaluated prior to any significant change of placement, such as being exited from a plan;
- i. Timeframes are clearly articulated for the major steps in the placement and evaluation of a student;
- j. At each decision point regarding identification, evaluation and placement of a student, parents and/or guardians are given due process rights;
- k. Any overlap between the District’s ICAP/SST process and Section 504/Title II is clearly defined; and
- l. When a student transfers to the District with a plan in place, the District will either implement the plan or re-evaluate the student, without a break in services.

**Reporting Requirements:**

1. By March 1, 2022, the District will submit its 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 5**

By December 15, 2021, the District will revise its District Curriculum Accommodation Plan to state that an ICAP will not be used in place of a Section 504 Plan when a student has a disability (i.e., if the student has a mental or physical impairment that substantially limits one or more major life activities).

**Reporting Requirement:**

By January 1, 2022, the District will submit documentation to OCR showing that the District Curriculum Accommodation Plan has been revised as required by Action Item 5.

**Action Item 6**

By December 15, 2021 the District will revise its “Student and Child Find” policy to state that a student may be referred for a 504 evaluation if an individual suspects that the student has a mental or physical impairment that substantially limits one or more major life activities. The District will remove all references to “effective progress” as the standard for evaluation under Section 504.

**Reporting Requirements:**

1. By January 1, 2022, the District will submit the revised procedure 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 7**

By December 1, 2021, the District will update its website and handbooks to include the name, office location, email address, and phone number of its Section 504 Coordinator.

**Reporting Requirement:**

By December 15, 2021, the District will submit documentation to OCR showing Action Item 7 has been completed.

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.

