

RESOLUTION AGREEMENT
Shelton Public Schools
OCR Complaint No. 01-22-1431

Shelton 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

After providing proper written notice to the Student's parent(s), the District shall evaluate the Student for eligibility for services under Section 504 and Title II. The District will invite XXXXX to participate in its evaluation process to determine if the Student is eligible for services. 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 found 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—including XXXXX XXXXX—who are knowledgeable about the Student and her disability, the meaning of the Student's evaluation data, and the placement options.

Reporting Requirements

By March 31, 2023, the District shall provide OCR with:

1. Copies of the notice(s) provided to the Student's parents regarding the meeting;
2. Copies of correspondence between the District and the Student's XXXXX reflecting the District's efforts to include XXXXX in the evaluation;
3. The names and titles of all who attended;
4. All materials considered by the team, including the Student's grades, attendance record, any medical documentation, and/or evaluations;
5. Any team meeting or other notes; and,
6. The results of the evaluation, including any resulting 504 Plan.

Action Item 2

After providing proper written notice to the Student's parent(s), the District will convene a team meeting to determine whether compensatory services are appropriate for the Student in consideration of the failure to evaluate the Student for special education or related services due to a disability. The District will ensure that the team includes a group of persons—including, for example, XXXXX—who are knowledgeable about the Student and her disability, the meaning of

the Student's evaluation data, and the placement options. The District will make reasonable efforts to include the parent(s), and the District will provide the parent(s) with notice of the procedural safeguards, including the right to challenge the team's determination through an impartial due process hearing.

Reporting Requirements

A. By March 31, 2023, the District shall provide OCR with:

1. Copies of the notice(s) provided to the Student's parents regarding the meeting;
2. Copies of correspondence between the District and the Student's XXXXX reflecting the District's efforts to include representatives of that school in the determination of compensatory services (if any);
3. Any team meeting or other notes, including the names/titles of attendees, minutes of the meeting;
4. All materials considered by the team in determining whether compensatory services are owed, including the Student's grades, attendance records, progress reports, etc.; and,
5. If applicable, an explanation of the District's method for determining the type and amount of compensatory services deemed appropriate for the Student.

B. By June 30, 2023, the District shall provide OCR with:

Documentation showing the Student received any compensatory services deemed appropriate by the team, including the names and titles of services providers, as well as the date, time, and duration of the services provided.

Action Item 3

The District will ensure that when it receives information that a student who resides in the District XXXXX XXXXX XXXXX may, because of disability need or is believed to need special education or related services, its Section 504/Title II Coordinator will promptly notify that student's parent(s) and/or guardian(s) of the District's obligations. The District's notice will inform parents/guardians of its obligation to evaluate such students, and will further provide information regarding the District's evaluation process, for instance, by including in the notification copies of/links to the District's policies and procedures for the identification, evaluation, and placement of students with disabilities under Section 504/Title II.

Reporting Requirements

1. By March 31, 2023, the District shall provide OCR with a proposed template for providing the required notice to a student's parent(s) and/or guardian(s), for OCR's review and approval.
2. By December 31, 2023, the District shall provide OCR with documentation showing whether it received information showing that any student residing in the District XXXXX XXXXX, may because of disability need or was believed to

need special education or related services, and further showing that it provided notice to parents/guardians as required (including the names of the parents and students).

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.

The District understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the District is in compliance with the terms of the Agreement and the statute(s) and regulation(s) at issue in the case.

The District understands and acknowledges that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial 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/ Date: 2/14/23
Kenneth Saranich, Superintendent