

## **RESOLUTION AGREEMENT**

### **Monroe Township Public School District (the District) OCR Case No. 02-19-1054**

In order to resolve Case No. 02-19-1054, the Monroe Township Public School District (the District) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104 (Section 504); and, Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35 (the ADA).

#### **Action Item 1: Individual Remedy for the Student**

By November 15, 2019 the District will complete any outstanding evaluations of the Student and convene a meeting of a group of persons knowledgeable about the Student, the Section 504 Team, to review any completed evaluations and other available medical documentation; and, determine the Student's eligibility for Section 504 related aids and services. The District will invite the complainant to attend this meeting and otherwise adhere to the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36.

**Reporting Requirement:** By November 30, 2019 the District will provide documentation to OCR demonstrating that it completed any outstanding evaluations of the Student; and, held a meeting to review the completed evaluations and to determine the Student's continued eligibility for Section 504 related aids and services, as described in Action Item 1. The documentation will include: (a) copies of the completed evaluations; and, (b) a copy of the meeting minutes or similar documentation from the meeting referenced in Action Item 1 above, including, (i) an explanation for decisions made; (ii) a copy of any Section 504 Plan developed for the Student; and, (iii) documentation demonstrating that the District provided notice of and invited the complainant to the meeting. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

#### **Action Item 2: Training**

By November 30, 2019 the District will provide training to District personnel responsible for evaluating students and making determinations regarding special education and/or related aids and services, including the District's Section 504 Coordinator and Williamstown Middle School's principal, assistant principal and guidance counselor. The training will cover the District's obligation to conduct an evaluation of any student who, because of disability, needs or is believed to need special education and/or related services before taking

any action with respect to the initial placement of the student in regular or special education and any subsequent significant change in placement. The training will advise staff regarding what actions may amount to a significant change in an educational placement. The training will also inform staff that in interpreting evaluation data and in making placement decisions, the District shall, in accordance with the regulation implementing Section 504, at 34 C.F.R. § 104.35(c), draw upon information from a variety of sources; establish procedures to ensure that information obtained from all such sources is documented and carefully considered; ensure that the placement decision is made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and the placement options; and, ensure that the placement decision is made in conformity with 34 C.F.R. § 104.34.

**Reporting Requirements:**

- (a) By December 15, 2019 the District will provide documentation to OCR demonstrating that the training referenced in Action Item 2 was provided to all relevant District personnel. This documentation will include, but will not be limited to, the date(s) of the training; the name and credentials of the trainer; copies of any training materials used, including any handouts, guides, or other materials; and, proof of attendance by District staff.
  
- (b) By June 30, 2020, the District will provide a list of all current students for whom the District removed Section 504 plans during school years 2018-2019 and 2019-2020. For each student listed, indicate: (a) the date the plan was removed; (b) the reason(s) the plan was removed; and, (c) the name(s) and title(s) of the individual(s) involved in the decision to remove the plan.

The District understands that by signing this resolution agreement (the Agreement), it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this 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 satisfaction of the commitments made under this Agreement, OCR will close this 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 will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below.

\_\_\_\_10/30/19\_\_\_\_\_  
Date

\_\_\_\_\_/s/\_\_\_\_\_  
Authorized Representative  
Monroe Township Public School District