

RESOLUTION AGREEMENT

Point Pleasant School District (the District) OCR Case No. 02-20-1135

In order to resolve Case No. 02-20-1135, the Point Pleasant 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 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (the ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

Action Item 1: Individual Remedy for the Student

- A. By July 17, 2020, the District will convene a group of knowledgeable persons, such as the Student's Section 504 Team, to determine whether the Student requires any compensatory and/or remedial services for any time the Student was not provided with XX XX XXXXXXXX XXXXX in any of his classes during the XXXXX XXXXXXX XXXXXXX XXXXXXX XXXXXXX XX XXXXXXX XXXX XXXX-XXXX. The District will invite the Complainant to attend this meeting. Due to the COVID-19 crisis, this meeting may take place virtually. If the group of knowledgeable persons determines that the Student requires compensatory and/or remedial services, the group will develop a plan for providing such services, with a completion date for providing the services not to extend beyond December 31, 2020.
- B. During school year 2020-2021, the District will ensure that the Student has use of, and that the Student's teachers use, XX XX XXXXXXXXXXX XXXXXXX in his in-person classes in the school building, consistent with his Section 504 plan.

Reporting Requirements:

- a) By July 24, 2020, the District's attorney, Viola S. Lordi, Esq., will submit to OCR, via email to Amy Breglio at Amy.Breglio@ed.gov and Bernard Dufresne at Bernard.Dufresne@ed.gov, a copy of the meeting minutes or similar documentation from the meeting referred to in Action Item 1.A above. The documentation shall include, at a minimum, the names and titles of the meeting participants; the information considered; an explanation for decisions made; and, a description of and schedule for providing compensatory and/or remedial services, if any, to the Student. OCR will review the documentation submitted to ensure that the District satisfied the requirements of the regulation implementing Section 504, at 34 C.F.R. § 104.35(c), in making the determinations.
- b) By January 15, 2021, the District's attorney will provide documentation to OCR, via email to Amy Breglio at Amy.Breglio@ed.gov and Bernard Dufresne at Bernard.Dufresne@ed.gov, demonstrating that it has provided the Student with any compensatory and/or remedial services deemed necessary. The documentation will

include the dates, times, and locations of the services provided; a description of the services provided; and the name(s) of the service provider(s).

- c) By June 30, 2021, the District’s attorney will provide documentation to OCR, via email to Amy Breglio at Amy.Breglio@ed.gov and Bernard Dufresne at Bernard.Dufresne@ed.gov, demonstrating that the Student had use of, and that the Student’s teachers used, XX XX XXXXXXXX XXXXXXXX in his in-person classes, consistent with his Section 504 plan if the District’s schools physically convene during the school year. The documentation will include, but is not limited to, a list of the Student’s classes for school year 2020-2021 and a statement from the Student’s teacher from each class affirming XXXX XXXX XXXX XX XX XXXXXXXXXXXX XXXXXXXX consistent with the Student’s Section 504 plan. If the District’s school buildings remain closed due to the COVID-19 crisis, the District will provide documentation indicating that classes were convened virtually and that no in-person classes took place.

Action Item 2: Training

By no later than September 3, 2020, the District will provide training to relevant staff at the District’s Point Pleasant Memorial Middle School (the School) responsible for ensuring that the Student’s XX XXXXXXXX XXXXXXXX is in place in his classes as specified in his Section 504 plan, and is XXXXXXXX XXXXXXXX. The staff members present shall include the professional members of the Student’s Section 504 Team. Due to the COVID-19 crisis, this training may take place virtually. Additionally, the District will provide training to the Student’s classroom teachers for school year 2020-2021 on the requirement in the Student’s Section 504 plan that he and his teachers use the XX XXXXXXXXXXXXXXXX XXXXXXXX, and how to use the XXXXXXXX appropriately. Due to the COVID-19 crisis, this training may take place virtually.

Reporting Requirement: By September 15, 2020, the District’s attorney, Viola S. Lordi, will provide documentation to OCR, via email to Amy Breglio at Amy.Breglio@ed.gov and Bernard Dufresne at Bernard.Dufresne@ed.gov, demonstrating that the training referenced in Action Item 2 was provided to all relevant School personnel. This documentation will include, but will not be limited to: (a) the name(s) and credentials of the individual(s) who conducted the training; (b) a list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; and, (d) copies of any training materials disseminated and/or a description of the issues addressed during the training.

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.

Date

Vincent S. Smith
Superintendent of Schools
Authorized Representative
Point Pleasant School District