

RESOLUTION AGREEMENT

Shenendehowa Central School District

Case No. 02-13-1247

In order to resolve the compliance concerns identified in Case No. 02-13-1247, the Shenendehowa Central School District assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the actions set forth 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:

The District will provide qualified students with disabilities the same opportunity to succeed as non-disabled students. Effective immediately, the District will discontinue its practice of adjusting the grades of students with disabilities through the application of a standard formula whereby the original grades are multiplied by 0.69.

By January 31, 2014, for any disabled student for whom the District seeks to provide different course content or curriculum than that provided to non-disabled students in the same class for school year 2013-2014, and measure the student's progress or level of achievement differently than non-disabled students in the class, the District will convene a group of persons knowledgeable about each such student to determine how to measure the student's progress or level of achievement with a system that best meets the individual educational needs of each such student. The District will invite parents/guardians to attend this meeting. The group of knowledgeable persons must justify in the student's individual education program (IEP) why the student needs modified content or curriculum and a different method of measuring the disabled student's progress or level of achievement; and, the methods chosen to implement these decisions, indicating how the methods chosen will meet the individual educational needs of the student. The District must also notify parents/guardians of their right to request an impartial due process hearing if the parents/guardians disagree with the decisions made.

By January 31, 2014, if report cards are used for any disabled students referenced in the above paragraph, the report card will inform parents about their child's progress or level of achievement in specific classes, course content, or curriculum consistent with the student's IEP and underlying purpose of a report card; and, must be as informative and effective as the report cards provided for students without disabilities.

Reporting Requirements:

- a) By January 31, 2014, the District will provide to OCR a list of all disabled students with a modified grading system for school year 2013-2014, indicating their school of attendance.

- b) By January 31, 2014, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meetings referred to in Action Item 1 above for all students listed in Reporting Requirement (a); including an explanation for decisions made, and documentation demonstrating that parents/guardians were provided notice of the meeting and of their right to request an impartial due process hearing if they disagreed with the decision.

Action Item 2:

By February 28, 2014, the District will restore to their original, unadjusted values: the Student's math grades for school year 2012-2013; the grades of all students in the fourth grade 15:1 reading class for 2012-2013; and the grades all students with Individualized Education Plans (IEPs) in the co-taught integrated math class for 2012-2013 whose grades were adjusted downwards for school year 2012-2013 based on application of the 0.69 formula. Additionally, by February 28, 2014, the District will review the grades of students with disabilities at the District's other elementary schools to determine whether any of these grades were adjusted downwards for school year 2012-2013 based on application of the 0.69 formula; and if so, restore all such grades to their original, unadjusted values.

Reporting Requirements:

- a) By February 28, 2014, the District will provide to OCR a list of all students in the fourth grade 15:1 reading class for 2012-2013, all students with IEPs in the co-taught integrated math class for 2012-2013, and all students with disabilities at the District's other elementary schools whose grades were adjusted downwards for school year 2012-2013 based on application of the 0.69 formula.
- b) By February 28, 2014, the District will submit revised transcripts to OCR demonstrating that it adjusted grades in accordance with Action Item 2 for all students listed above in Reporting Requirement (a), and documentation demonstrating that it notified the students' parents and/or legal guardians of the grade adjustments.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4(a), 104.33(a) and (b), 104.35(c), and 104.36, and the ADA, at 28 C.F.R. § 35.130(a), which were at issue in this case. The District also 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 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 of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4(a), 104.33(a) and (b), 104.35(c), and 104.36, and the ADA, at 28 C.F.R. § 35.130(a), which were at issue in this case. The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial

proceedings to enforce this agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

____January 15, 2014____
Date

_____/s/_____
Dr. L. Oliver Robinson
Superintendent
Shenendehowa Central School District