

VOLUNTARY RESOLUTION AGREEMENT  
KINGSTON PUBLIC SCHOOL DISTRICT  
COMPLAINT NO. 01-13-1277

In order to voluntarily resolve the allegations presented in the above-referenced complaint that was filed with the U.S. Department of Education, Office for Civil Rights (OCR) pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104 (Section 504), and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35 (Title II), against Kingston Public School District (District), the District agrees to implement the following Resolution Agreement (Agreement):

1. By **December 10, 2013**, the District will provide training to District Administrators, including all District Section 504/Title II Coordinator(s)\* on the provision of a FAPE under Section 504/Title II, including:
  - a. Eligibility criteria under Section 504 and Title II (including information on the ADA Amendments Act);
  - b. Circumstances (including examples) that trigger the District's obligation to conduct an evaluation under Section 504/Title II;
  - c. The District's Section 504 evaluation process and how it interfaces with its individualized health plan (IHP) processes; and
  - d. The District's system of procedural safeguards under Section 504, including what it includes, and when and how the system of procedural safeguards is implemented (e.g. when the District's procedural safeguards document should be provided to parents/guardians).
2. By **December 15, 2013**, and subsequent to the training listed in item #1 above, the District will develop a notice to disseminate to all parents/guardians regarding:
  - a. The District's obligations under Section 504/Title II;
  - b. A brief description of when a student could potentially be eligible for services (thus, triggering an evaluation);
  - c. The name, title and contact information for the District's Section 504/Title II Coordinator(s); and
  - d. Contact information for parents who may have questions/concerns regarding the District's notice.
3. By **December 15, 2013**, the District will initiate a review process of all students within the District who are currently placed on IHPs. The purpose of the District's review process is to determine whether any such students currently receiving services pursuant to an IHP are eligible under Section 504 for a 504 plan or the protections offered by Section 504.
4. By **March 31, 2014**, the District will promptly initiate the process of a referral for a Section 504 evaluation for each student identified via child-find requirements, as part of this review process referenced in item #3 above.
5. By **June 15, 2014**, for each student identified as part of the review process referenced in item #3 above and who is referred per #4 above, the District agrees to convene a Section 504 evaluation

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\* The District has invited the U.S. Department of Education, Office for Civil Rights, to deliver the training referenced in item #1 above.

team regarding each student including persons knowledgeable about Section 504/Title II, the evaluative data, and the placement options available, to determine:

- a. Each student's eligibility for services under Section 504/Title II;
- b. Whether the team needs any additional evaluative data in order to determine eligibility; and
- c. If applicable, what, if any, related accommodations, aids and services are necessary to ensure that each eligible student is provided a Free Appropriate Public Education (FAPE).

[Parents/guardians of each student shall also be provided the District's notice of parental rights/procedural safeguards pursuant to Section 504].

### **Monitoring**

6. By **December 15, 2013**, the District will submit to OCR for approval, its draft notice to parents/guardians, as referenced in item #2 above.
7. By **January 15, 2014**, the District will provide OCR with documentation evidencing the dissemination of its notice to all parents/guardians of students at the School, as referenced in item #2 above.
8. By **March 31, 2014**, the District will provide OCR with a copy of all IHPs reviewed pursuant to provision #3.
9. By **June 15, 2014**, the District will report to OCR the outcome of the team meetings required pursuant to provision #5 and will provide documentation, including:
  - a. The names and titles of each meeting participant;
  - b. Copies of any and all information the team considered as part of its decision-making;
  - c. The team's decisions, including a copy of the Student's Section 504 Plan, if developed; and
  - d. Documentation evidencing notice to each student's parent or guardian of the District's system of Section 504 procedural safeguards.
10. The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 at 34 C.F.R. Part 104, which was at issue in this case.
11. 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 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 as fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 at 34 C.F.R. Part 104, which was at issue in this case.
12. 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.

13. The District understands that OCR will conclude the monitoring of this case when it determines that the District has fully implemented the terms of the Agreement and is in compliance with Section 504 and Title II.

/s/ John Tuffy  
Dr. John Tuffy,  
Superintendent of Schools

11/22/13  
Date