

## **RESOLUTION AGREEMENT**

### **Poughkeepsie City School District Case No. 02-13-1201**

In order to resolve the allegations raised in Case No. 02-13-1201, the Poughkeepsie City School District (the District) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that 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 (ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35, it will take the actions set forth below.

#### **Action Item 1:**

By November 30, 2013, the District will convene a meeting of a group of persons knowledgeable about the Student, such as the Committee on Special Education (CSE), to determine whether the Student requires remedial and/or compensatory services for the time the Student was removed from Poughkeepsie Middle School and required instead to receive tutoring at an alternate instruction location; i.e., March 13, 2013, through the end of school year 2012-2013. If the group of knowledgeable persons determines that the Student requires remedial and/or compensatory services, the group will develop a plan for providing those services, with a completion date for providing the services not to extend beyond June 30, 2014.

#### **Reporting Requirements:**

- a) By December 15, 2013, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referred to in Action Item 1, including an explanation for decisions made, and a description of and schedule for providing remedial and/or compensatory services to the Student, if determined necessary.
- b) By July 31, 2014, the District will provide documentation to OCR demonstrating that it has provided the Student with any remedial and/or compensatory services deemed necessary. The documentation will include the dates, times, and locations that services were provided, and the name(s) of the service provider(s).

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

By December 31, 2013, the District will provide training to relevant District personnel, including the Assistant Superintendent, regarding the procedural requirements of Section 504, as these pertain to the evaluation and placement of students with disabilities. The training will cover the requirement that a student must be reevaluated prior to any significant change in placement; and that in making placement decisions for a student with a disability, the District shall 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. Further, the training will cover the requirement that in making a placement decision, the group of knowledgeable

persons must carefully consider information from a variety of sources; and ensure that the student is placed in the regular educational environment unless it is demonstrated that the education of the student in the regular educational environment cannot be satisfactorily achieved even with the use of supplementary aids and services.

**Reporting Requirement:** By January 15, 2014, the District will provide documentation to OCR demonstrating that training was provided consistent with Action Item 2 above, including (a) the name(s) 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.

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. §104.35, and the ADA, at 28 C.F.R. § 35.130(a) and (b)(1)(i)-(ii), 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. §104.35, and the ADA, at 28 C.F.R. § 35.130(a) and (b)(1)(i)-(ii), 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.

[ /s/ November 8, 2013 ]

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Date

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Dr. Nicole Williams  
Superintendent  
Poughkeepsie City School District