

RESOLUTION AGREEMENT

General Brown Central School District Case No. 02-14-1308

In order to resolve Case No. 02-14-1308, the General Brown Central School District assures the U.S. Department of Education, New York 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:

By December 12, 2014, the District will convene a group of persons knowledgeable about the Student, such as the Committee on Special Education, to determine whether the Student requires any compensatory services because he was not able to participate in all instruction and activities to which he was entitled pursuant to his Individualized Education Program, from the beginning of school year xxxx-xxxx through xxxxxxxx x, xxxx, due to his assignment to a bus route that required that he be picked up from school approximately one hour before the end of the instructional day. The District will invite the complainant to attend this meeting. If the group of knowledgeable persons determines that the Student requires compensatory services, the group will develop a plan for providing such services, with a completion date for providing the services not to extend beyond February 27, 2015.

Reporting Requirements:

- a. By December 19, 2014, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting(s) referenced in Action Item 1 above; including but not limited to an explanation for decisions made regarding compensatory services; and a description of and schedule for providing compensatory services, if any, to the Student. 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.
- b. By March 13, 2015, the District will provide documentation to OCR demonstrating that it has provided the Student with any compensatory services deemed necessary. The documentation will include the dates, time and locations that the services were provided, a description of the services provided, and the name(s) of the service providers.

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 regulations implementing Section 504, at 34 C.F.R. §104.33, and the ADA, at 28 C.F.R. §35.130(a) and (b)(1)(iii), 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. § 104.33, and the ADA, at 28 C.F.R. §35.130(a) and (b)(1)(iii), 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/

Date

Cammy J. Morrison
Superintendent
General Brown Central School District