

RESOLUTION AGREEMENT
Rye City Public School District
Case No. 02-15-1099

In order to resolve the compliance concerns identified in Case No. 02-15-1099, Rye City Public School District (the 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 August 31, 2015, the District will revise all relevant policies, procedures, and publications to ensure that, unless otherwise specified in students' Section 504 plans or Individualized Education Plans (IEPs), students with disabilities will receive instruction for the same length of school day as that provided to non-disabled students in the District.

Reporting Requirements:

- a) By July 31, 2015, the District will submit a draft of the revised policy or procedure to OCR for its review and approval.
- b) By August 31, 2015, the District will begin implementation of the approved revised policy or procedure concerning the length of the school day for students with disabilities; and, provide notice of the revised policy or procedure to all relevant staff, administrators, bus drivers, and teachers. The District will provide a copy of this notice to OCR.
- c) By December 31, 2015, the District will submit to OCR documentation of its implementation of the policy or procedure outlined in Action Item 1 during school year 2015-2016; e.g., copies of disabled students' schedules or bus logs indicated time of departure.

Action Item 2:

By August 31, 2015, the District will identify the disabled students who are still at the Midland Elementary School (the School) or who have transferred from the School to other District schools who received a shortened school day at the School during school year 2014-2015 because of the transportation schedule. The School will convene a Committee on Special Education (CSE) to review the educational records of each student who received a shortened school day to determine whether they need remedial and/or compensatory services for the loss of instructional time during school year 2014-2015. If the group of knowledgeable persons determines that the students require 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 December 15, 2015.

Reporting Requirements:

- a) By September 15, 2015, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meetings referred to in Action Item 2 above; including but not limited to an explanation for decisions made regarding remedial and/or compensatory services, and a description of and schedule for providing remedial and/or compensatory services, if any, to the student. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulations implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.
- b) By December 15, 2015, the District will provide documentation to OCR demonstrating that it has provided the students 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 3:

By August 31, 2015, the District will address the compliance concerns outlined in in Appendices A and B. Any structural changes must conform to the 2010 ADA Standards for Accessible Design.

Reporting Requirement: By September 1, 2015, the District will provide documentation to OCR (e.g., copies of paid invoices, photographs) confirming completion of all changes made to resolve the compliance concerns noted in Appendices A and B.

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. § 104.22-23, § 104.33(a) and (b)(1), 104.37(a)(1) and (2), and the ADA, at 28 C.F.R. §§ 35.130(a) and (b)(1)(i) and 35.150-151, 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. §§ . § 104.22-23, § 104.33(a) and (b)(1), 104.37(a)(1) and (2), and 104.22-23, and the ADA, at 28 C.F.R. §§ 35.130(a) and (b)(1)(i) and 35.150-151, 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 University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

5/29/15

/s/

Date

By: _____
Dr. Frank Alvarez, Superintendent
Rye City Public School District

Appendix A¹
Main Entrance
Midland Elementary School

Building/Facility	Midland Elementary School
Date of Construction	1951
Accessibility Issues:	<p><u>Main Entrance:</u></p> <ul style="list-style-type: none"> The entrance does not contain directional signage directing the mobility impaired to an accessible entrance [2010 Standards 216.6 - Where not all entrances comply with 404, directional signs complying with 703.5 that indicate the location of the nearest entrance complying with 404 shall be provided at entrances that do not comply with 404.]

Appendix B
Accessible Entrances
Midland Elementary School

Building/Facility	Midland Elementary School
Date of Construction	1995 and 2006
Accessibility Issues:	<p><u>Accessible Entrances:</u></p> <ul style="list-style-type: none"> The accessible entrances situated at the cafeteria addition and classroom addition to the building are kept locked and lack a buzzer/camera system in order to afford the mobility impaired access comparable to that which is provided at the School's main entrance. The accessible entrances situated at the cafeteria addition and the classroom addition to the building lack signs depicting the International Symbol of Accessibility [2010 Standards 216.6 – Where not all entrances comply with 404, entrances complying with 404 shall be identified by the International Symbol of Accessibility complying with 703.7.2.1.]

¹ Because any alterations would need to be made consistent with current accessibility standards, all citations refer to the 2010 ADA Standards for Accessible Design.