

## **RESOLUTION AGREEMENT**

### **Charlotte Valley Central School District OCR Case No. 02-15-1146**

In order to resolve the compliance concerns identified in Case No. 02-15-1146, the Charlotte Valley 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 August 14, 2015, the District will convene a group of persons knowledgeable about the Student, such as the Committee on Special Education (CSE), to determine whether the Student requires any compensatory and/or remedial services for the time the Student did not receive any educational services or special education related aids and services; i.e., November 14, 2014, through January 2015. The District will invite the complainant to attend this meeting. If the group of knowledgeable persons determines that the Student requires compensatory and/or remedial services, the group will develop a plan for providing such services, with a completion date for providing the services not to extend beyond December 31, 2015.

#### **Reporting Requirements:**

- a. By August 21, 2015, 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 the decisions made regarding compensatory and/or remedial services, and a description of and schedule for providing compensatory and/or remedial 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 December 31, 2015, the District will provide documentation to OCR demonstrating that it has provided the Student with any compensatory and/or remedial services deemed necessary. The documentation will include the dates, times and locations that the services were provided, a description of the services provided, and the name(s) of the service provider(s).

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

By September 30, 2015, the District will provide training to staff responsible for the development and implementation of Individualized Education Programs (IEPs) and Section 504 plans, including the District's Superintendent and the District's Section 504 Coordinator. The training will include, but will not be limited to, the procedural requirements regarding reevaluating

students with disabilities prior to making any significant change in placement, including disciplinary exclusions that result in a significant change in placement; and, the District’s obligation to ensure that decisions about the placement of students with disabilities are made by a group of knowledgeable persons, not unilaterally, and are based upon appropriate evaluative criteria, not based upon administrative convenience or other reasons unrelated to the educational needs of disabled students.

**Reporting Requirement:** By October 9, 2015, the District will provide documentation to OCR demonstrating that training referenced in Action Item 2 was provided. The documentation will include: (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. §§ 104.4 and 104.33-104.36, and the ADA, at 28 C.F.R. § 35.130, 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 and 104.33-104.36, and the ADA, at 28 C.F.R. § 35.130, 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 sixty (60) calendar days to cure the alleged breach.

7/9/2015  
Date

/S/  
Superintendent  
Charlotte Valley School District