

## **RESOLUTION AGREEMENT**

### **Buffalo Public School District Case No. 02-16-1003**

In order to resolve Case No. 02-16-1003, the Buffalo Public 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:**

By April 15, 2016, the District will convene a group of persons knowledgeable about the complainant's daughter (the Student) to devise a plan to support the Student in her preparation for all three examinations the Student must take to complete her XXXXXXXXXXXXXXXX course (the course) offered at XXXXXXXXXXXXXXXX (the College) by May 14, 2016. The District will invite the complainant and the Student to attend this meeting. To that end, the District will schedule the meeting for a date and time that is convenient to the District, the complainant and the Student; and, provide the complainant and Student with timely notice(s) of the date, time and location for the meeting. All parties shall have the right to have legal or other representation present at the meeting. The District will make a good faith effort to secure consensus regarding the plan at the meeting. The District will provide the complainant with notice of her due process rights if there is any disagreement over the final contents of the plan. The timeframes devised for the plan should ensure that it can be fully implemented by May 14, 2016.

#### **Reporting Requirements:**

- a. By April 16, 2016, the District will submit to OCR a copy of the plan referenced in the Action Item above for OCR's review and approval, and include a copy of the minutes from the meeting and any documentation considered during the course of the meeting.
- b. By June 1, 2016, the District will provide documentation to OCR demonstrating efforts the District made to fully implement the plan referenced in the Action Item above. The documentation will include the dates, times and locations of any services provided pursuant to the plan, 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 sixty (60) calendar days to cure the alleged breach.

\_\_\_\_\_  
Date

\_\_\_\_\_/s/\_\_\_\_\_  
Dr. Kriner Cash  
Superintendent  
Buffalo Public School District