

RESOLUTION AGREEMENT

Buffalo Public Schools

Case No. 02-16-1069

In order to resolve Case No. 02-16-1069, Buffalo Public Schools (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 Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100; 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 June 3, 2016, the District will convene a group of persons knowledgeable about the Student, including the complainant, to determine whether the Student requires any compensatory services because he was not provided with occupational and speech therapy services from the beginning of school year 2015-2016 through November 2, 2015, as stipulated in the Student's Individualized Education Program (IEP). 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 September 30, 2016.

Reporting Requirements:

- a) By June 10, 2016, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting(s) referred to in Action Item 1 above, including 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. §§ 104.33, 104.34 and 104.35, in making these determinations.
- b) By October 5, 2016, if compensatory services are offered to the Student, the District will provide documentation to OCR demonstrating that it has provided the Student with compensatory services or made compensatory services available to the Student. The documentation will include the dates, times, and locations of the services provided; a description of the services provided; and the name(s) of the service provider(s).

Action Item 2:

By June 15, 2016, the District will provide training to all District administrators who oversee the provision of special education related services, including the provision of related services to

home-schooled students, regarding the District's policies and procedures governing the provision of special education related services to home-schooled students.

Reporting Requirement: By June 23, 2016, the District will provide documentation to OCR demonstrating that training was provided consistent with Action Item 2 above, including: (a) the name(s) and credentials 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; (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 Title VI, at 34 C.F.R. § 100.3(a) and (b), Section 504, at 34 C.F.R. § 104.4(a) and (b), and the ADA, at 28 C.F.R. §§ 35.130(a) and (b), 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 Title VI, at 34 C.F.R. § 100.3(a) and (b), Section 504, at 34 C.F.R. § 104.4(a) and (b), and the ADA, at 28 C.F.R. §§ 35.130(a) and (b), 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.

05/12/2016
Date

/s/

Darren Brown
Acting Superintendent
Buffalo Public Schools