

RESOLUTION AGREEMENT

Case No. 02-16-1188 Ellenville Central School District

In order to resolve Case No. 02-16-1188, the Ellenville Central School District (the District) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the following actions 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 October 15, 2016, the District will convene a group of people knowledgeable about Student A, such as the Committee on Special Education (CSE), and will invite Student A's parent or guardian as well as Student A, as the District has done previously, to determine whether Student A's Individualized Education Program (IEP) requires any modification; Student A requires any remedial and/or compensatory services; and, whether Student A should be permitted to submit any outstanding coursework such as written assignments, quizzes, and/or other examinations, due to any failure between September 2015 and January 2016, to implement the provisions in Student A's IEP that required Student A's teachers to: (1) provide Student A with access to "speech to text" software and (2) "books on tape/CD [compact disc]." If the CSE determines that Student A requires remedial or compensatory services, the CSE will develop a plan for providing these services, with a completion date not to extend beyond December 15, 2016. The District will also ensure that it provides Student A with the special education and related aids and services required by her IEP during school year 2016-2017.

Reporting Requirements:

- (a) By October 31, 2016, the District will submit a copy of the meeting minutes or similar documentation from the meeting referenced in Action Item 1 above, including an explanation for decisions made; the plan for providing any remedial and/or compensatory services to Student A, if determined necessary; a copy of Student A's revised transcript, if grade changes were determined necessary due to the completion of outstanding coursework such as written assignments, quizzes, and/or other examinations; and, documentation demonstrating that the District provided notice of and invited Student A's parent/guardian as well as Student A to the meeting. 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 January 15, 2017, the District will provide documentation to OCR of the dates, times, and locations that remedial and/or compensatory services were provided pursuant to the plan developed in accordance with Action Item 1 above, if any, and the name(s) of the service provider(s).

- (c) By July 31, 2017, the District will provide documentation to OCR demonstrating that the District provided Student A with the special education and related aids and services required by her IEP during school year 2016-2017, including the name(s) and title(s) of any District staff responsible for ensuring that Student A received the special education and related aids and services described in her IEP; and, any documentation supporting that the related aids and services required by her IEP were provided such as service logs, and/or invoices.

Action Item 2:

By October 15, 2016, the District will convene a group of people knowledgeable about Student B, such as the CSE, including Student B's parent or guardian as well as Student B, as the District has done previously, to determine whether Student B's Individualized Education Program (IEP) requires any modification ; Student B requires any remedial and/or compensatory services; and, whether Student B should be permitted to submit any outstanding coursework such as written assignments, quizzes, and/or other examinations, due to any failure between September 2015 and October 12, 2015, to implement the provisions in Student B's IEP or BIP that required Student B's teachers to: (1) provide Student B with access to "speech to text" software; (2) the "use of computer/word processor" to record responses; (3) "books on tape/CD"; and, (4) "additional support and re-teaching to assist [Student B] with starting an assignment". If the CSE determines that Student B requires remedial or compensatory services, the CSE will develop a plan for providing these services, with a completion date not to extend beyond December 15, 2016. The District will also ensure that it provides Student B with the special education and related aids and services required by his IEP during school year 2016-2017.

Reporting Requirements:

- (a) By October 31, 2016, the District will submit a copy of the meeting minutes or similar documentation from the meeting referenced in Action Item 2 above, including an explanation for decisions made; the plan for providing any remedial and/or compensatory services to Student B, if determined necessary; a copy of Student B's revised transcript, if grade changes were determined necessary due to the completion of outstanding coursework such as written assignments, quizzes and/or other examinations; and, documentation demonstrating that the District provided notice of and invited Student B's parent/guardian as well as Student B to the meeting. 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 January 15, 2017, the District will provide documentation to OCR of the dates, times, and locations that remedial and/or compensatory services were provided pursuant to the plan developed in accordance with Action Item 2 above, if any, and the name(s) of the service provider(s).
- (c) By July 31, 2017, the District will provide documentation to OCR demonstrating that the District provided Student B with the special education and related aids and services required by his IEP during school year 2016-2017, including the name(s) and

title(s) of any District staff responsible for ensuring that Student B received the special education and related aids and services described in his IEP; and, any documentation supporting that the related aids and services required by his IEP were provided, such as service logs, and/or invoices.

Action Item 3:

By October 31, 2016, the District will provide training to all general education, and special education teachers, and teaching assistants of Ellenville High School regarding the requirements of Section 504 and the ADA. The training will include, at a minimum, instruction regarding: (a) the District’s responsibility to provide a free appropriate public education (FAPE) under the regulation implementing Section 504, at 34 C.F.R. §104.33; (b) the responsibility of District staff to provide students with the special education and related aids and services as required by their individualized education programs (IEPs) and behavior intervention plans (BIPs), which were determined necessary by a group of knowledgeable persons (such as the CSE); and, (c) the District’s obligation to track and/or monitor the provision of services to students with disabilities, to ensure that all required related aids and services are provided.

Reporting Requirement: By November 15, 2016, the District will provide documentation to OCR demonstrating that training was provided consistent with Action Item 3 above, including (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 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(a) and (b), and the ADA, at 28 C.F.R. §35.130(a), 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. Further, the District understands that during the monitoring of this agreement, 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(a) and (b), and the ADA, at 28 C.F.R. §35.130(a), 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.

September 13, 2016
Date

_____/s/
Lisa Wiles
District’s Superintendent of Schools
Ellenville Central School District