

RESOLUTION AGREEMENT

Buffalo Public Schools

Case No. 02-16-1372

In order to resolve Case No. 02-16-1372, Buffalo Public Schools (the District) assures the U.S. Department of Education, 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 February 10, 2017, the District will contact the complainant in writing and offer the complainant the option of the following for each of the Student's algebra tests administered on September 15, 28, and October 19, 2015, and the Student's global studies tests administered on October 2, 9, and November 13, 2015: (i) keep the grade the Student received on the test; or (ii) include an annotation on the Student's report card and/or long-form final transcript that a small group testing environment, as stipulated on the Student's Section 504 plan, was not provided to the Student for the test. The complainant will be given fifteen (15) calendar days to make the election.

Within fifteen (15) calendar days of receiving notice from the complainant, the District will take action to implement the option the complainant selected, and will provide the complainant with a copy(ies) of the Student's revised report card(s) and or long-form final transcript, if applicable. In the event that the complainant does not communicate a response to the District for a particular test(s) within the prescribed 15 calendar days, the District shall proceed as if the complainant elected option (i) above for the test(s).

Reporting Requirements:

- a) By March 13, 2017, the District will submit to OCR a copy of the written notification referred to in Action Item 1, a copy of the complainant's response to the offer, or a written explanation of the complainant's response, and a copy(ies) of any report card(s) and/or transcript revised as a result of the complainant's election with respect to Action Item 1.

Action Item 2:

By March 17, 2017, the District will provide training to all administrators and staff members at xxxxxxx, who are responsible for implementing and monitoring the implementation of IEPs and Section 504 Plans, regarding the District's obligations under Section 504 to provide a free and appropriate public education to qualified disabled students, including but not limited to the responsibility to ensure that any related aids and services that a CSE or Section 504 team deems necessary for a student pursuant to an IEP or Section 504 plan are provided to that student.

Reporting Requirement: By March 31, 2017, the District will provide to OCR: (a) the name(s) of the individual(s) who conducted the training referenced in Action Item 2 above; (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. § 104.33, 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, including 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, including to enforce this agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Date

/s/
Dr. Kriner Cash
Superintendent
Buffalo Public Schools