

RESOLUTION AGREEMENT

Lancaster Central School District Case No. 02-17-1178

The U.S. Department of Education, Office for Civil Rights (OCR) and the Lancaster Central School District (the District) enter into this agreement to resolve the above-referenced complaint. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 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. Sections 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Action Item 1: Individual Remedies

By September 30, 2017, the District will convene a group of persons knowledgeable about the Student, such as the 504 Team, to determine whether the Student requires any remedial and/or compensatory services because the Student's teacher did not consistently XXXXXXXX the Student's XXXXXXXX XXXXXXXX as required by the Student's Section 504 plan during school year 2016-2017. The District will invite the complainants to attend this meeting. If the group of knowledgeable persons determines that the Student requires remedial and/or compensatory 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, 2017.

Reporting Requirements:

- a) By October 15, 2017, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referred to in Action Item 1 above, including an explanation for decisions made regarding remedial and/or compensatory services; and, a description of and schedule for providing remedial and/or 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 January 15, 2018, the District will provide documentation to OCR demonstrating that it has provided any necessary remedial and/or compensatory services 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: Training

By October 31, 2017, the District will provide training to all teachers at the District's William Street School regarding the requirements of Section 504 with respect to providing a free

appropriate public education to qualified disabled students and ensuring the implementation of the provisions of a Section 504 plan deemed appropriate by a group of knowledgeable persons. The training will emphasize the responsibility to ensure that any aids and services that a group of knowledgeable persons deems necessary for a student pursuant to a Section 504 plan are provided to that student.

Reporting Requirement: By November 15, 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 by signing this agreement, it agrees to provide the foregoing 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 Section 504 and its implementing regulation at 34 C.F.R. §§ 104.33, and the ADA and its implementing regulation at 28 C.F.R. § 35.130(a). Upon completion of the obligations under this agreement, OCR shall close and dismiss 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.

This agreement will become effective immediately upon the signature of the District's representative below.

8/1/2017

/s/

Date

Michael J. Valley
Superintendent - Lancaster Central School District

8/1/2017

/s/

Date

Timothy C.J. Blanchard
Director – Region II, OCR