

**Resolution Agreement
Smithtown Central School District
Case No. 02-17-1203**

The Smithtown Central School District (District) enters into this agreement to resolve the allegation in 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. § 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, which prohibit discrimination on the basis of disability by recipients of federal financial assistance and public entities, respectively.

Action Item 1

By September 15, 2017, the District shall revise its policies and procedures governing the provision of disability accommodations and auxiliary aids and services to specify that they will be provided where necessary to afford all qualified individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in services, programs, or activities of the District, including Committee on Special Education (CSE) meetings. In addition, the revised policies and procedures shall require that, in determining what types of auxiliary aids and services are necessary, the District will give primary consideration to and conduct an individualized assessment of the requests of individuals with disabilities.

Reporting Requirement 1: By September 30, 2017, the District will submit the revised policies and procedures referenced in Action Item 1 to OCR for review and approval.

Reporting Requirement 2: Within 30 days of receiving OCR's approval, the District will provide documentation to OCR to demonstrate that it has formally adopted the OCR-approved revised procedures; updated all printed publications and on-line publications with the revised documents (inserts may be used pending reprinting of these publications); and electronically disseminated the revised policies and procedures to its employees.

Action Item 2

By October 1, 2017, the District will develop and deliver a training program to all District employees responsible for receiving, reviewing, responding to, and approving requests for disability accommodations and/or auxiliary aids and services, including but not limited to, all CSE chairpersons, the Assistant Administrator for Special Education, and the Assistant Superintendent of Pupil Personnel Services. The training program shall discuss in detail the District's obligations to provide disability accommodations and auxiliary aids and services where necessary to afford all qualified individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in services, programs, or activities of the District, including CSE meetings. The training shall explain

explicitly that advocates at CSE meetings have the right to receive disability accommodations and auxiliary aids and services.

Reporting Requirement 2: By October 15, 2017, the District will submit to OCR documentation demonstrating that the training referenced in Action Item 2 has been provided. This documentation will include a list of attendees and their titles; a description of the delivered training content; a copy of any training materials used or disseminated during the training; and the presenters' credentials for conducting the training.

Action Item 3

By August 15, 2017, the District will provide to the complainant a copy of the recording of the CSE meeting held on February 8, 2017.

Reporting Requirement 3: Within five days of providing the recording to the complainant, the District will notify OCR in writing that it has provided the recording to the complainant.

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. § 104.44, and the ADA and its implementing regulation at 28 C.F.R. §§ 35.130(a), 35.130(b)(7), 35.160(b)(1) and (b)(2). 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.

August 8, 2017

Date

/s/

James Grossane, Ed. D.
Superintendent
Smithtown Central School District