

## **RESOLUTION AGREEMENT**

### **Elmira City School District Case No. 02-17-1455**

In order to resolve Case No. 02-17-1455, the Elmira City School District (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 (ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

#### **Action Item: Individual Remedies**

By April 30, 2018, the District will conduct an evaluation of the Student and determine whether she is a qualified individual with a disability in need of special education and related aids and services. The District will ensure that the evaluation is conducted in accordance with the requirements of the regulation implementing Section 504, at 34 C.F.R. § 104.35(b). In interpreting the evaluation data and making any placement decision, the District will ensure that it draws upon information from a variety of sources; the information obtained is documented and carefully considered; and, the placement decision is made by a group of persons, including persons knowledgeable about the Student, the meaning of the evaluation data, and placement options (such as the Section 504 team or Committee on Special Education). The group of knowledgeable persons will further determine whether the Student requires remedial and/or compensatory services for school year 2016-2017. If the group of knowledgeable persons determines that the Student requires remedial and/or compensatory services, the group will develop a plan for providing those services, with a completion date for providing the services not to extend beyond August 31, 2018. The District will invite the complainant to attend the meeting(s) and otherwise adhere to the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36.

#### **Reporting Requirements:**

- (a) By May 15, 2018, the District will submit to OCR: (1) a copy of the meeting minutes or similar documentation from the meeting(s) referenced in the Action Item above, including but not limited to an explanation for the decisions made; (2) if deemed necessary, the plan for providing any remedial and/or compensatory services to the Student; and, (3) documentation demonstrating that the District provided notice of and invited the complainant to the meeting(s). 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 September 15, 2018, the District will provide documentation to OCR of the dates, times, and locations that any remedial and/or compensatory services were provided, and the name(s) of the service provider(s).

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 the regulations implementing Section 504, at 34 C.F.R. §§ 104.33 and 104.35, and the ADA, at 28 C.F.R. § 35.130(a) and (b)(1). Upon completion of the obligations under this Agreement, OCR shall close 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.

1/31/2018

/s/

---

Date

---

Hillary Austin  
Superintendent  
Elmira City School District