

RESOLUTION AGREEMENT
Lockport City School District
Case No. 02-18-1274

In order to resolve Case No. 02-18-1274, the Lockport 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, as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104 (Section 504), 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 1:

Beginning with school year 2018-2019, the District will establish start and end times for the school day for all students with disabilities at Emmet Belknap Intermediate School (the School) that are the same as the start and end times for non-disabled students, unless a different schedule is determined to be necessary to meet the individual educational needs of a student with a disability as adequately as the needs of a non-disabled student are met, and the decision is based upon adherence to procedures that satisfy the requirements of Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36.¹

Reporting Requirement: On or before September 14, 2018, the District will submit to OCR documentation demonstrating its establishment of start and end times for students with disabilities at the School consistent with Action Item 1, above. If the District determines that a different schedule is necessary to meet the individual educational needs of a student with a disability as per the procedures that satisfy the requirements of Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, the District will submit to OCR a copy of each such student's Individualized Education Program or Section 504 plan.

Action Item 2:

Beginning with school year 2018-2019, the District will revise its policies, procedures and/or practices to ensure that students with disabilities at the School have an opportunity to use locks on their lockers that is equal to the opportunity afforded non-disabled students. The District will notify all relevant staff members of the revised policies and/or practices.

Reporting Requirement: On or before September 14, 2018, the District will submit to OCR documentation demonstrating that it has afforded students with disabilities at the School the opportunity to use locks on their lockers that is equal to the opportunity afforded non-disabled students, and notified all relevant staff members, consistent with Action Item 2, above.

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

¹ Under the ADA, at 28 C.F.R. §35.171(a)(3), OCR uses its Section 504 procedures to investigate ADA complaints.

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. §§ 104.4(b)(1)(ii)-(v), (vii), (2), (3) and 104.37(a)(1), and the ADA and its implementing regulation at 28 C.F.R. § 35.130(b)(ii)-(iv). 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.

_____/S/_____
Michelle T. Bradley
Superintendent
Lockport City School District

Date ____6/18/18____