

VOLUNTARY RESOLUTION AGREEMENT
Arlington Central School District
OCR Case No. 02-21-1289

In order to resolve Case No. 02-21-1289, Arlington Central School District assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the following actions to comply with 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 and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

Action Item 1: Obligations to Students with Disabilities with Respect to Summer Programs

In accordance with 34 C.F.R. § 104.34(a), the District acknowledges that for any programs or services provided to its students over the summer (“summer programs”), it must ensure that students with disabilities are educated with students without disabilities to the maximum extent appropriate to the needs of students with disabilities. The District also acknowledges that for any summer programs, it must place students with disabilities in the regular education environment unless it demonstrates that doing so with the use of supplementary aids and services cannot be achieved satisfactorily. The District further acknowledges that, with respect to any summer programs, in placing students with disabilities in settings other than the regular educational environment, it must take into account the proximity of the alternate setting to students’ homes.

By June 30, 2023, the District will explicitly consider the requirements of 34 C.F.R. 104.34(a) in the District’s CSEs’ and/or Section 504 teams’ recommendations for all students for educational services through the District’s Extended School Year (ESY) program (or another summer program) for summer 2023, including students for whom the CSEs and/or Section 504 teams recommended educational services on an integrated basis for school years 2022-2023 and 2023-2024.

Reporting Requirement:

By June 30, 2023, the District will provide to OCR copies of IEPs and/or Section 504 plans, and/or any other documentation demonstrating its determinations regarding integration for each student’s summer programming (e.g., meeting minutes or notations in the student’s IEP or Section 504 plan), for all students recommended for summer programs during summer 2023 who are also recommended for integrated educational services for school year 2023-2024.

Action Item 2: Opportunity to Reconvene CSE for Summer 2021 and 2022 ESY Students

By December 1, 2022, the District shall contact in writing the parents/guardians of students who were recommended for educational services through the District's self-contained ESY program during summers 2021 and 2022 pursuant to their IEPs or Section 504 plans, and were also recommended for educational services on an integrated basis during school year 2021-2022 and 2022-2023, respectively, and offer to reconvene the CSE and/or Section 504 team to consider whether the recommendation of the self-contained ESY program during summer 2021 and/or 2022 (as applicable) was consistent with the District's obligations pursuant to 34 C.F.R. § 104.34(a); and, if not, whether any compensatory services are required. If any parent/guardian elects such opportunity, the CSE and/or Section 504 team shall convene for this purpose by December 31, 2022. If the CSE and/or Section 504 team determines that the student is entitled to remedial and/or compensatory services, the team will develop a plan for providing such services, with a completion date for providing the services not to extend beyond July 31, 2023.

Reporting Requirements:

- (1) By December 31, 2022, the District will provide to OCR copies of all parent/guardian notifications pursuant to Action Item 2, and any parent/guardian responses the District received.
- (2) By January 31, 2023, the District will provide to OCR documentation (a) that any CSE and/or Section 504 team meetings requested pursuant to Action Item 2 have occurred; (b) of the meeting minutes or similar documentation from the meeting(s), to include the names and job titles of the meeting participants; the information considered; an explanation for the team's decision regarding whether the student requires remedial and/or compensatory services; and a description of, and schedule for, providing remedial and/or compensatory services, if any, to the student.
- (3) By July 31, 2023, the District will provide documentation to OCR demonstrating that it has provided to the student(s) any remedial and/or compensatory services deemed necessary. The documentation will include the dates and times that the services were provided, a description of the services provided, and the name(s) and job titles of the service provider(s).

Action Item 3: Training on the District's Obligations to Students with Disabilities with Respect to Summer Programs

By November 30, 2022, the District will provide training to the District's staff with administrative responsibilities for the education of students with disabilities, and all CSE/Section 504 Team Chairpersons, regarding the District's obligations with respect to Summer programs pursuant to 34 C.F.R. Section 104.34(a). Such training shall be conducted in-person or by live videoconference; and

By January 30, 2023, the District will provide training to all regularly-employed special education teachers, general education teachers, and related service providers who may participate in CSE and/or Section 504 Team meetings during school year 2022-2023, regarding the District's

obligations with respect to Summer programs pursuant to 34 C.F.R. Section 104.34(a). Such training shall be conducted through written or video-recorded materials, with certification by each trainee of their review of the material.

Reporting Requirement:

By February 28, 2023, the District will provide documentation to OCR demonstrating that the District provided training in accordance with Action Item 3 above, including the name(s) and credentials of the trainer(s); the date(s) of the training; the agenda and/or a summary of the material covered; copies of any training materials distributed; and a list of attendees, by name and job title.

OCR Monitoring

The District understands that by signing this resolution agreement (the 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 and obligations of this Agreement.

The District understands that OCR will not close the monitoring of this resolution agreement until OCR determines that the District has demonstrated compliance with all the terms of this resolution agreement and is in compliance with Section 504 and its implementing regulations at 34 C.F.R. Part 104 and Title II and its implementing regulations at 34 C.F.R. Part 35, which were at issue in this case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will 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.

Date: 10/19/22

Signed:

/s/
[Authorized Representative]