

VOLUNTARY RESOLUTION AGREEMENT

Syracuse City School District

Case No. 02-22-1207

To resolve Case No. 02-22-1207, the Syracuse 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. Section 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.

The District has entered into this agreement voluntarily and the agreement does not constitute an admission by the District of any liability or wrongdoing.

Action Item 1: Individual Remedies for Students

By October 30, 2022, for all high school students with disabilities whom the District identified that were enrolled in its GED programs without convening a Section 504 or Committee on Special Education (CSE) meeting prior to such placements, during school years 2020-2021 and 2021-2022 (the Students), the District will convene a group of persons knowledgeable about the Students, such as the Section 504 committee or CSE, to evaluate and determine the appropriateness of the Students' current placements and whether the Students require any remedial and/or compensatory services. The District will invite the Students and/or the Students' parents/legal guardians, where applicable, to attend these meetings and will otherwise adhere to 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. If the group of knowledgeable persons determines that the Students should receive different placements and/or require remedial and/or compensatory services, the group will develop a plan for identifying and assigning the Students to new placements and providing the Students remedial and/or compensatory services, by December 31, 2022.

Reporting Requirements:

- (a) By November 15, 2022, the District will submit documentation to OCR substantiating that a meeting for each of the Students was held in accordance with Action Item 1 above. The documentation should include, at a minimum, the names and job titles of the meeting participants; the information considered; an explanation for decisions made; the placement determinations; a description of and schedule for providing remedial and/or compensatory services (if any) to the Students; and documentation demonstrating that the District provided notice of and invited the Students and/or Students' parents/legal guardians to the meetings. OCR will review the documentation to ensure that the District's actions complied with 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 January 31, 2023, the District will provide documentation to OCR of the former and current placement for each of the Students; and the dates, times, and locations that any compensatory and/or remedial services were provided to each of the Students in accordance with Action Item 1; including, a description of the services provided and the name(s) of the service provider(s).

Action Item 2: Training

By October 30, 2022, the District will provide training to staff members and administrators who are responsible for evaluating high school students and making determinations regarding educational placements and special education and/or related aids and services, as well as staff members and administrators responsible for making placement decisions related to the GED programs. The training will cover the District's obligation to conduct an evaluation of any student who, because of disability, needs special education and/or related services before making any significant change in placement, including placing a student in a GED program. The training will advise staff regarding what actions may amount to a significant change in an educational placement. The training will also provide instruction to staff regarding the District's obligation to place students with disabilities in the regular educational environment unless the District can demonstrate that the education of the student with a disability in the regular environment cannot be achieved satisfactorily even with the use of supplementary aids and services. In addition, the training will address Section 504's requirements with respect to ensuring that the District meets the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making determinations regarding the evaluation and placement of students with disabilities, including students who are considered for placement in the District's GED programs.

Reporting Requirement:

By November 15, 2022, the District will submit documentation to OCR demonstrating that the District provided training in accordance with Action Item 2. The documentation will include, at a minimum, the name(s) and credentials of the individual(s) providing the training(s); the agenda and/or a summary of the material covered; the date(s) of the training; copies of all training materials distributed; and the names and job titles of the attendees.

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 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 regulation at 28 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 provide 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.

____September 21, 2022____
Date

_____/s/_____
Authorized Representative
Syracuse City School District