

VOLUNTARY RESOLUTION AGREEMENT
Wappingers Central School District
Case No. 02-23-1204

To resolve Case No. 02-23-1204, the Wappingers Central School District (the District) assures the U.S. Department of Education, New York 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 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

Action Item 1: Individual Remedies for the Student

By October 1, 2023, the District will convene a meeting of a group of persons knowledgeable about the Student, such as the Committee on Special Education (CSE), and invite the Complainant to the meeting, to determine whether the Student requires any remedial and/or compensatory services as a result of the alleged failure to implement [redacted content] pursuant to her Section 504 plans in the Student's [redacted content] courses during school year 2022-2023. If the group of knowledgeable persons determines that the Student requires remedial and/or compensatory services, the group will develop a plan for providing such services, and begin implementing the services in October 2023, with a completion date not to extend beyond February 29, 2024. The District will 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:

1. By October 15, 2023, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting held consistent with Action Item 1 above. The documentation should include, at a minimum, the names and job titles of the participants in the meeting; the information considered; an explanation for decisions made; and if remedial and/or compensatory services are offered to the Student, a description of and schedule for such services. 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. §§ 104.33, 104.34 and 104.35, in making its determinations.
2. By March 15, 2024, the District will provide documentation to OCR of any compensatory and/or remedial services the District provided to the Student required by the CSE, including the dates, times, and locations of the services, a description of the services, and the names(s) and job titles of the service provider(s).

Action Item 2: Individual Remedies for Other Students

- A. By October 15, 2023, the District shall review the disciplinary files of all students with disabilities eligible to receive special education and/or related aids and services under Section 504 at the School who were issued disciplinary sanctions, including lunch detentions, in-school restriction (ISRs), in-school suspensions (ISSs), and/or out-of-school suspensions (OSSs), in school year 2022-2023, to determine whether such removals

created a pattern of exclusions that constituted a significant change in placement, and determine whether the District conducted a manifestation determination review (MDR) for the student, in accordance with Section 504.

- B. By October 31, 2023, following the review described in Action Item 2A above, where appropriate, the District will convene a group of persons knowledgeable about each student with a disability eligible to receive special education and/or related aids and services under Section 504 for whom the District did not hold an MDR, to determine whether the student requires any compensatory and/or remedial services as a result of the District's not conducting an MDR(s), and develop a plan for providing such services, with a completion date not to extend beyond February 29, 2024. For any student that the group of knowledgeable persons determines received exclusionary discipline during school year 2021-2022, as a result of behavior that was, at that time, a manifestation of the student's disabilities, the District will expunge the discipline record(s) of the related infractions.
- C. By June 30, 2024, the District will submit documentation to OCR of all students with disabilities eligible to receive special education and/or related aids and services under Section 504 at the School who were issued disciplinary sanctions, including lunch detentions, ISRs, ISSs, and/or OSSs of ten or more consecutive days and/or a series of such removals from class or school that together total more than ten school days in school year 2023-2024, and of the MDRs the District conducted on behalf of each such student, including notices sent to each student's parent(s) and/or guardian(s).

Reporting Requirements:

- 1. By October 31, 2023, the District will submit documentation to OCR demonstrating that the District conducted the reviews described in Action Item 2(A) above, including a list of students with disabilities who were subjected to removals of ten or more consecutive days or a series of removals from class or school that together total more than ten school days, identifying those students for whom the District did not conduct required MDRs.
- 2. By November 15, 2023, the District will submit documentation to OCR demonstrating that it held meeting(s) consistent with Action Item 2(B) above. At a minimum, the documentation should include the names and job titles of the participants in the meetings; the information considered; an explanation for decisions made; and if the group of knowledgeable persons determined to offer remedial and/or compensatory services to the student(s), a description of and schedule for such services.
- 3. By March 15, 2024, the District will provide documentation to OCR of any compensatory and/or remedial services that it provided to the student(s) consistent with the plan(s) developed in accordance with Action Item 2(B) above, including the dates, times, and locations of the services, a description of the services, and the names(s) and job titles of the service provider(s).
- 4. By June 30, 2024, the District will provide documentation to OCR consistent with Action Item 2(C).

Action Item 3: Training for School Staff and District Administrators

- A. By September 1, 2023, the District will begin training the administrators, social worker(s), counselor(s), psychologist(s), and teachers at the School regarding the requirement to implement all elements of a student’s Section 504 plan to provide a free appropriate public education, pursuant to 34 C.F.R. § 104.33(b)(1), and will complete the training by no later than November 2023.

- B. By September 1, 2023, the District will begin providing training to all District-level administrators and School staff responsible for imposing discipline on students with disabilities at the School regarding their obligations under Section 504, including that prior to taking any disciplinary action that would result in a significant change in educational placement, the District must conduct a reevaluation of the student in accordance with 34 C.F.R. § 104.35, and will complete the training by no later than November 30, 2023.

Reporting Requirement: By December 4, 2023, the District will submit documentation to OCR demonstrating that the District provided training in accordance with Action Item 3(A) and (B). This documentation will include the name(s) and credentials of the individual(s) who conducted the training(s); the agenda and/or a summary of the materials covered; the date(s) of the training(s); copies of all training materials distributed; and a list of the individuals who attended the training(s) and their job titles.

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 of this Agreement.

The District understands that OCR will not close the monitoring of this 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 regulations at 28 C.F.R. Part 35, which were at issue in this case.

The District understands and acknowledges that OCR may initiate administrative enforcement proceedings or refer this case to the Department of Justice (DOJ) for judicial proceedings in the event of breach 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: 8/22/23

Signed: /s/
Authorized Representative
Wappingers Central School District