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Utica Community Schools
Resolution Agreement
OCR Docket #15-17-1287

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Utica Community Schools (the District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and ensuring compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104 (Section 504), as well as Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq*., and its implementing regulation, 28 C.F.R. Part 35 (Title II).

The District agrees to take the following actions:

Individual Remedies

I. By **November 15, 2018**, xxxxxxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxx The District will provide the Student's parent(s) with an opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

   Reporting Requirement:

   By **December 15, 2018**, the District will submit to OCR documentation showing implementation of Action Step I, including a copy of any meeting minutes, a copy of any plan developed for the Student, documentation of any input provided by the Student's parent(s) and showing that all required written notifications and procedural safeguards were provided to them, and any other documentation relevant to the determinations reached in accordance with Action Step I above. Xxxxxxxxxxxxxx xxxxxxxxxxxxxxxx xxxxxxxxxxxxxx xxxxxxxxxxxxxxx xxxxxxxxxxxxxxx xxxxxxxxxxxxxxx xxxxxxxxx.

II. [X--- paragraph redacted—X]

   Reporting Requirement:

   By **December 15, 2018**, the District will submit to OCR documentation showing implementation of Action Step II, including xxxxxxxxxxxxxx xxxxxxxxxxxxxx xxxxxxxxxxxxx.

III. [X--- paragraph redacted—X]

Reporting Requirement:

[X--- paragraph redacted—X]

IV. [X--- paragraph redacted—X]

   Reporting Requirement:

   [X--- paragraph redacted—X]

V. [X--- paragraph redacted—X]

   Reporting Requirement:

   [X--- paragraph redacted—X]

District-wide Remedies

VI. The District will provide Section 504 and Title II training, by a competent authority on Section 504 and Title II, to the Flickinger Elementary staff working in the Early Childhood Special Education Program (the Program) who are responsible for the identification, evaluation, and placement of students with disabilities, and to those Program staff members who are responsible for the provision of services to students with disabilities or are involved in providing accommodations and services to students with disabilities. The training will focus on the District's responsibilities pursuant to Section 504 at 34 C.F.R. §§104.38, 104.37, and 104.34(b). The training must include, but not be limited to, discussion of what constitutes exclusion of students with disabilities under Section 504 and Title II, and what the Program's obligations are with respect to integrating students with disabilities with other students in nonacademic settings, such as gym. The training will additionally focus on how the above-referenced issues of exclusion and integration manifest and should be addressed with respect to students with severe food allergies.

   Reporting Requirement:

   By **December 1, 2018**, the District will submit for OCR's review and approval a copy of its proposed training materials to implement Action Step VI, along with the name and qualifications of the proposed trainer demonstrating that he/she is a competent authority on Section 504 and Title II. Within 60 days after OCR's approval of the training materials and trainer qualifications, the District will provide OCR with documentation showing that Action Step VI has been implemented. The documentation will include information about the date(s) of the training(s), copies of the agenda and any training materials distributed, and a copy of the sign-in sheets of attendees, indicating name and job title.

General Requirements

The District understands that, by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the 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 the Agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings to enforce the Agreement, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the District's representative below.

/s/   10/25/2018

_____   _____

Superintendent or Designee   Date