

## **RESOLUTION AGREEMENT**

### **East Ramapo Central School District** **Case Number 02-13-1250**

In order to resolve the allegation in Case No. 02-13-1250, the East Ramapo Central School 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 (ADA), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

#### **Action Item 1:**

By November 30, 2013, the District will issue a letter to the parents/guardians of each student in the District attending BOCES schools during school year 2012-2013, providing information regarding the District's failure to provide bus transportation for District students to BOCES schools on May 24, 2013.

The letter will state that if the student was unable to attend his/her BOCES school on May 24, 2013, as a result of the District's failure to provide transportation services on that date, the parent/guardian may request either that the District: (1) convene a group of knowledgeable persons (such as the Committee on Special Education (CSE)) in order to determine whether the student requires any compensatory services for his or her absence from school on May 24, 2013; or (2) review the need for such compensatory services at the student's next regularly scheduled CSE meeting during school year 2013-2014.

The letter will also state that if the student was able to attend school on May 24, 2013, but the parent/guardian incurred expenses in transporting the student, the parent/guardian may either: (1) obtain reimbursement from the District for this expense, calculated according to the mileage between the student's home and his/her BOCES school; or (2) decline reimbursement from the District for the expense of transporting the student.

The letter will state that parents/guardians must submit their responses to the District within thirty days of the date of the letter.

#### **Reporting Requirements:**

- a) By November 15, 2013, the District will submit to OCR a draft of the letter for prior approval.
- b) By November 30, 2013, the District will provide copies of letters sent to each parent of a student in the District attending a BOCES school during school year 2012-2013.
- c) By December 31, 2013, the District will submit to OCR a copy of the responses to the letter it received from parents/guardians.

**Action Item 2:**

With respect to parents/guardians who elect to have the District convene a group of knowledgeable persons before the next regularly scheduled CSE meeting in order to determine whether compensatory services are necessary for the student, by January 31, 2014, the District will convene a group of knowledgeable persons (such as the CSE), including parents/guardians, to determine whether the student requires any compensatory services because the student was unable to attend school on May 24, 2013, as a result of the District's failure to provide transportation services. If the group of knowledgeable persons determines that a student requires compensatory services, the group will develop a plan for providing those services; with a completion date for providing the services not to extend beyond June 30, 2014.

**Reporting Requirements:**

- a) By January 31, 2014, the District will submit to OCR a copy of the meeting minutes or similar documentation from each meeting referred to in Action Item 2 above; including but not limited to an explanation for decisions made regarding compensatory services, and a description of and schedule for providing compensatory services, if any, to each student.
- b) By June 30, 2014, the District will provide documentation to OCR demonstrating that it has provided the student with any compensatory services deemed necessary. The documentation will include the dates, times, and locations that services were provided, and the name(s) of the service provider(s).

**Action Item 3:**

With respect to parents/guardians who elect to have the District review the student's need for compensatory services at the student's next scheduled CSE meeting during school year 2013-2014, the District will determine during the student's next scheduled CSE meeting whether the student requires any compensatory services because the student was unable to attend school on May 24, 2013, as a result of the District's failure to provide transportation services. If the CSE determines that a student requires compensatory services, the group will develop a plan for providing those services; with a completion date for providing the services not to extend beyond June 30, 2014.

**Reporting Requirements:**

- a) By June 30, 2014, the District will submit to OCR a copy of the meeting minutes or similar documentation from each meeting referred to in Action Item 3 above; including but not limited to an explanation for decisions made regarding compensatory services, and a description of and schedule for providing compensatory services, if any, to each student.
- b) By June 30, 2014, the District will provide documentation to OCR demonstrating that it has provided the student with any compensatory services deemed necessary. The

documentation will include the dates, times, and locations that services were provided, and the name(s) of the service provider(s).

**Action Item 4:**

With respect to parents/guardians who elect to have the District reimburse them for the expense of transporting the student to and/or from his or her respective BOCES school on May 24, 2013, the District shall, by January 31, 2014, reimburse the parent/guardian for the amount of mileage between the student's home and his/her BOCES school, at the mileage rate the District uses to reimburse its own employees for business-related travel.

**Reporting Requirement:** By January 31, 2014, the District will provide OCR with documentation that it reimbursed parents in accordance with Action Item 4.

**Action Item 5:**

The District will ensure that it transports students to their respective BOCES schools on every day that the BOCES schools are open, even when District schools are closed.

**Reporting Requirement:** By June 30, 2014, the District will provide a list to OCR of dates that BOCES schools were open but District schools were closed during school year 2013-2014, and documentation confirming that it transported students to BOCES schools on those dates.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.33, and the ADA, at 28 C.F.R. §35.130(a) and (b)(1)(i), which were at issue in this case. The District also 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 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 and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.33, and the ADA, at 28 C.F.R. §§ 35.130(a) and (b)(1)(i), which were at issue in 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 proceeding to enforce this agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

November 5, 2013  
Date

\_\_\_\_\_/s/\_\_\_\_\_  
[Authorized Official]  
East Ramapo Central School District