

RESOLUTION AGREEMENT

Kingston City School District

Case Number 02-14-1376

Complainant: XXXXX XXXX XXXXXX

In order to resolve the allegation in Case No. 02-14-1376, the Kingston City 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 December 20, 2014, the District will reimburse the complainant \$644.36, the amount incurred as a result of transporting the Student to and from XXXXX X XXXXXX Elementary School from April 28, 2014 to June 25, 2014 (excluding those dates on which the School was closed or that the Student was absent) in lieu of providing small bus transportation as set forth in the Student's Section 504 Plan, dated April 25, 2014.¹

Reporting Requirement: By December 30, 2014, the District will provide OCR with documentation that it reimbursed the complainant in accordance with Action Item 1.

Action Item 2:

By February 20, 2015, the District will submit to OCR for its review and approval a written notice to all District and site level administrators and staff who have or may have responsibility for initiating, developing or coordinating the implementation of Section 504 Plans, which, at a minimum, shall include the following information:

- A. The District's responsibility to provide a free appropriate public education under the Section 504 regulation at 34 C.F.R. §104.33, which is defined as the provision of regular or special education and related aids and services designed to meet the individual educational needs of disabled students as adequately as those of non-disabled students;

¹ The amount of reimbursement was calculated as follows: **15.14** (round-trip distance in miles from the complainant's home to XXXXX X XXXXXX Elementary School × **2** (morning drop off + afternoon pick up) × **\$.56** (standard mileage rate used for computing employee's costs of operating a privately owned vehicle for purposes of conducting District-related business) × **38** (number of school days complainant was required to transport the Student to and from school).

- B. The responsibility of District staff to implement the placement and services that the Section 504 teams identify as appropriate for meeting the student's individual educational needs.

Reporting Requirement: By June 1, 2015, the District will provide documentation demonstrating that the notice referenced in Action Item 2 above was provided to all District and site level administrators and staff who have or may have responsibility for initiating, developing or coordinating the implementation of Section 504 Plans. This documentation will include, but will not be limited to, copies of the written notice and proof of receipt by staff.

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.

11/20/14

Date

/s/

[Authorized Official]
Kingston City School District