

Resolution Agreement
East Irondequoit Central School District
Case No. 02-15-1087

In order to resolve the above referenced complaint, the East Irondequoit Central School District assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that pursuant to the applicable 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 (the ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35, it will take the following actions:

Action Item 1:

By September 30, 2015, and periodically thereafter, the District will provide training to the principal of Helendale Elementary School, members of its Committee on Special Education (CSE), and any other relevant District staff. The training will include discussion of the District's obligations under the regulation implementing Section 504 to conduct an evaluation prior to making a significant change in the placement of a student with a disability, and to ensure that such decisions are made by a group of knowledgeable persons.

Reporting Requirement: By September 30, 2015, the District will provide documentation to OCR demonstrating that it provided training to the employees referenced in Action Item 1 above. This documentation will include: (a) the date(s) the training was conducted; (b) the name(s), title(s), and credentials of the individual(s) who conducted the training; (c) a list of the individuals who attended the training and their positions and proof of their attendance; and (d) a list of all training materials used and disseminated, including handouts, guides, or other materials.

Action Item 2:

By June 12, 2015, the District will ensure that a meeting of a group of persons knowledgeable about the Student, such as the CSE, is convened to determine whether the Student requires remedial or compensatory services for the period of time that he was on a half-day schedule and on home instruction; i.e., from October 14, 2014, through February 23, 2015. If the group of knowledgeable persons determines that the 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 December 31, 2015.

Reporting Requirements:

- a) By June 30, 2015, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referred to in Action Item 2, including an explanation for decisions made, and a description of and schedule for providing compensatory services to the Student, if determined necessary. 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, 104.35 and 104.36, in making these determinations.

- b) By December 31, 2015, the District will provide documentation to OCR demonstrating that the Student has been provided 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).

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §104.35(a), (b) and (c), and the ADA, at 28 C.F.R. § 35.130(b)(3)(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. § 104.35(a), (b) and (c), and the ADA at 28 C.F.R. § 35.130(b)(3)(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 proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Date

Superintendent
East Irondequoit Central School District