

RESOLUTION AGREEMENT

Hyde Park Central School District OCR Case No. 02-16-1273

In order to resolve Case No. 02-16-1273, the Hyde Park Central School District assures the U.S. Department of Education, 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), and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (the ADA), and its implementing regulation at 28 C.F.R. Part 35.

Action Item 1:

By October 31, 2016, the District will convene a group of persons knowledgeable about the Student, such as the Student's Section 504 team, to determine whether the Student requires any compensatory services for any educational services or special education related aids and services the Student was entitled to receive but the District did not provide between XXX XX, 2015 and XXX XX, 2016. The District will invite the complainant to attend this meeting. If the group of knowledgeable persons determines that the Student requires compensatory services, the group will develop a plan for providing such services, with a completion date for providing the services not to extend beyond December 30, 2016.

Reporting Requirements:

- a. By November 4, 2016, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting(s) referenced in Action Item 1 above, including but not limited to an explanation for the decisions made regarding compensatory services, and a description of and schedule for providing compensatory services, if any, to the Student. 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. §§ 104.34, 104.35 and 104.36, in making these determinations.
- b. By January 2, 2017, the District will provide documentation to OCR demonstrating that it has provided to the Student any compensatory services deemed necessary. The documentation will include the dates, times and locations that the services were provided, a description of the services provided, and the name(s) of the service provider(s).

Action Item 2:

By October 31, 2016, the District will provide training to staff responsible for imposing disciplinary sanctions and/or for the development and implementation of Individualized Education Programs (IEPs) and Section 504 plans, regarding the requirements of the regulation implementing Section 504 with respect to the re-evaluation of students who need or are believed to need special education or related services prior to taking any action with respect to the initial placement of such students or any subsequent significant changes in placement, including significant changes in placement caused by disciplinary exclusions.

Reporting Requirement: By November 4, 2016, the District will provide documentation to OCR demonstrating that training referenced in Action Item 2 was provided. The documentation will include: (a) the name(s) of the individual(s) who conducted the training; (b) a list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; and, (d) copies of any training materials disseminated.

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), and Title II of the ADA, at 28 C.F.R. § 35.130, 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), and Title II of the ADA, at 28 C.F.R. § 35.130, which were at issue in this case. The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including 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, including 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.

/s/

Date

Greer Rychcik, Ed.D.
Superintendent of Schools
Hyde Park Central School District