

VOLUNTARY RESOLUTION AGREEMENT

Amherst Public Schools
Complaint No. 01-10-1098

In order to resolve the above-referenced complaint filed with OCR pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulation found at 34 C.F.R. Part 104 (Section 504) and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation found at 28 C.F.R. Part 35 (Title II), the Amherst-Pelham Regional School District (District) voluntarily agrees to take the actions noted below:

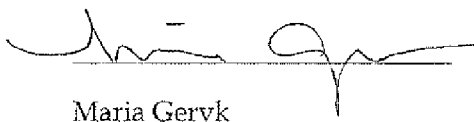
1. The District will review and revise, as necessary, its protocol for implementing Section 504 Plans. The protocol will ensure that teachers and staff are knowledgeable about the provisions of Section 504 Plans for the students in their classes. The protocol shall require notice to teachers of the accommodations and services required by each of their students' Section 504 Plans and a protocol by which a teacher can receive a sufficient explanation of the provisions so that they can be implemented consistent with the 504 team's recommendation. The District will provide training to staff responsible for implementing Section 504 Plans, including all high school teachers, on the legal obligations of the District for the implementation of Section 504 Plans and the protocol referenced in this Section Agreement. Consistent with its obligations under Section 504, the District will ensure that the provisions of the Student's Section 504 Plan are implemented for the 2010-2011 school year. Neither the fact that this Agreement was signed nor the compliance with the terms of this Agreement will be considered as an admission by the District of any failure to implement the Student's Section 504 plan prior to the date of this Agreement.
2. The District will review and revise, as necessary, its internal grievance procedures related to harassment of students with disabilities to ensure that they are consistent with the requirements of Section 504 and Title II. The District will publish its grievance procedures on the District website. The District will provide training for all staff responsible for the processing of grievances referenced in Section 4 of this Agreement, including but not limited to all Principals and Assistant Principals.
3. The District will conduct impartial investigations into the Complainant's allegations raised by email on February 26 and April 27, 2010, regarding disability-based harassment by the Student's algebra and biology teachers. The District will document its investigation and its analysis of the evidence, and notify the Complainant of the outcome of the investigation. If the District concludes that the Student was harassed based on her disability, the District will take appropriate steps to address the harassment, including disciplinary measures or counseling, and remedy any harm to the Student.

Monitoring Requirements

- A. By Friday, September 17, 2010, the District will provide OCR with a copy of the protocols referenced in Sections 2 and 3 of this Agreement, for OCR's consultation and input.

- B. By Friday, October 15, 2010, the District will submit a report and supporting documentation reflecting its investigations of the alleged harassment of the Student, as described in Section 4 of this Agreement, above. In its report, the District will: (1) identify the person(s) responsible for conducting the investigations (2) provide a detailed record of all contacts and interviews conducted during the investigations, including the identity of witnesses interviewed and copies of the notes of the interviews that include each witness's response; (3) determine whether the harassing conduct was sufficiently severe, persistent or pervasive to create a hostile environment under Section 504 and Title II (4) documentation of written notice of the outcome of the District's investigations provided to the Complainant, and (6) a description of all steps the District took as a result of its findings.
- C. By Friday, December 17, 2010, the District will provide OCR with a report on its efforts to meet its commitments to the Complainant in Section 1 of this Agreement, including documentation that shows that the Student's Section 504 plan related to assistive technology, extended time on homework, and frequent teacher check-ins has been implemented from the start of the school year to that date.
- D. By Friday, December 17, 2010, the District will provide OCR a copy of final grievance procedures and documentation that the grievance procedures referenced above have been published on the District's website.
- E. By Friday, December 17, 2010, the District will provide OCR with copies of all documentation relating to the trainings referenced in Section 2 and 3 of this Agreement. The documentation shall include: a) copies of all training materials, including the credentials of the trainer(s), and b) sign-in sheets indicating the name and title of each participant.
- F. By Friday, July 1, 2011, the District will provide OCR with a report on its efforts to meet its commitments to the Complainant in Section 1 of this Agreement, including documentation that shows that the Student's Section 504 plan related to assistive technology, extended time on homework, and frequent teacher check-ins has been implemented from December 17, 2010 to the end of the 2010-2011 school year.

This Resolution Agreement is entered into freely by the District. It does not constitute an admission by the District of any violation of Section 504, Title II or any other law enforced by OCR.



Maria Geryk
Interim Superintendent,
Amherst-Pelham Regional School District

8-25-10

Date