

RESOLUTION AGREEMENT

Hamilton-Fulton-Montgomery Board of Cooperative Educational Services (BOCES)

OCR Docket No. 02-14-1198

In order to resolve Case No. 02-14-1198, the BOCES 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 (the ADA), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106; the Age Discrimination Act of 1975 (the Age Discrimination Act), 42 U.S.C. § 6101 *et seq.*, and its implementing regulation at 34 C.F.R. Part 110; and, the Boy Scouts of America Equal Access Act (Boy Scouts Act), 20 U.S.C. § 7905, and its implementing regulation at 34 C.F.R. Part 108.

Action Item: Notice of Nondiscrimination

By October 31, 2014, the BOCES will revise its existing notice of nondiscrimination to state that the BOCES does not discriminate on the basis of race, color, national origin, disability, sex, or age, or under the Boy Scouts Act, in its programs and activities (the notice may include other bases); and, that this requirement not to discriminate extends to employment and admission as applicable. Additionally, the notice will state that inquiries concerning the application of regulations prohibiting discrimination may be referred to the person(s) designated to coordinate the BOCES's efforts to comply with all aspects of regulations prohibiting discrimination, or to OCR. The BOCES will ensure that the notice of nondiscrimination is included in each announcement, bulletin, catalog, or application form which BOCES makes available to students, parents, employees, applicants for employment, unions, and professional organizations holding collective bargaining or professional agreements with the BOCES. The BOCES will also ensure that it notifies students, parents, and employees of the name and/or title, office address, electronic mail (email) address, and telephone number of the person(s) designated to coordinate the District's efforts to comply with all aspects of regulations prohibiting discrimination.

Reporting Requirements:

- a) By October 31, 2014, the BOCES will provide a copy of its proposed notice of non-discrimination to OCR for review and approval.
- b) By November 30, 2014, the BOCES will provide documentation to OCR demonstrating that the approved notice has been provided consistent with the Action Item above; such as a copy of revised materials and publications containing the notice of nondiscrimination, and/or a link to the on-line version of the materials and publications. Inserts may be used pending reprinting of the materials and publications.

The BOCES has disputed the complaint underlying this Resolution Agreement, but it has determined that it is in its interest to agree to an amicable resolution by entering into this Resolution Agreement. By agreeing to this Resolution Agreement, neither the BOCES nor any of its officials, officers, employees, agents or representatives admit to any liability or wrongdoing, and nothing herein shall be construed as an admission of liability or wrongdoing. The signing of this Agreement is not intended, and shall not be construed, as any admission that the BOCES violated any federal, state or local law, ordinance, or regulation; violated any of its policies or procedures; or committed any wrongdoing or wrongful act against the complainant or any other person.

The BOCES 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. §104.8; Title II of the ADA, at 28 C.F.R. §35.106; Title IX, at 34 C.F.R. §106.9; the Age Act, at 34 C.F.R. § 110.25 (b); and, the Boy Scouts Act, at 34 C.F.R. § 108.9, which were at issue in this case. The BOCES 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 BOCES understands that during the monitoring of this agreement, if necessary, OCR may visit the BOCES, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the BOCES has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §104.8; Title II of the ADA, at 28 C.F.R. §35.106; Title IX, at 34 C.F.R. §106.9; the Age Act, at 34 C.F.R. § 110.25 (b); and, the Boy Scouts Act, at 34 C.F.R. § 108.9, which were at issue in this case. The BOCES 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 BOCES written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

08/12/2014
Date

/S/
Dr. Patrick Michel, District Superintendent (or designee)
Hamilton-Fulton-Montgomery BOCES