

## **RESOLUTION AGREEMENT**

### **North Rockland Central School District Case No. 02-16-1098**

In order to resolve Case No. 02-16-1098, the North Rockland Central School District (the District) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that 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, it will take the actions set forth below.

#### **Action Item 1:**

By July 30, 2016, the District will convene a Committee on Special Education (CSE) meeting for the Student (including the complainant and/or her husband) to determine whether the District should provide any remedial and/or compensatory services to the Student for any instance(s) that the District failed to provide the Student with, or to enable/permit him to xxx, x xxxxxxxx xxxxxxxxxxxx xxxxxx (XX Xxxxxx), as well as any services corresponding to the use of the Student's XX Xxxxxx, as required by his Individualized Education Programs (IEPs), during the course of school year 2015-2016. If the CSE determines that remedial and/or compensatory services and counseling are necessary, the CSE will develop a plan for providing those services, with a completion date for providing the services not to extend beyond December 31, 2016.

#### **Reporting Requirements:**

- a) By August 15, 2016, the District will provide to OCR a summary of the meeting held in connection with Action Item 1 above, including a description of any action taken or to be taken, with timelines; the plan for providing any remedial and/or compensatory services to the Student, if determined necessary; and, documentation demonstrating that the District provided notice of and invited the complainant and/or her husband to the meeting. 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, 2016, the District will provide documentation to OCR demonstrating that it has provided to the Student any remedial and/or 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) and any additional supporting documentation such as service/equipment logs.

### **Action Item 2:**

By October 31, 2016, the District will provide training to relevant District personnel, including members of the Student's CSE, the Student's regular education and special education classroom teachers and aides, therapists, hearing specialists, and other personnel responsible for ensuring the implementation of the Student's IEP, regarding the District's obligations to provide special education and related aids and services to the Student, in accordance with the Student's IEP and pursuant to Section 504 and the ADA. The training will include at a minimum instruction regarding: (a) the District's responsibility to provide a free appropriate public education under the regulation implementing Section 504, at 34 C.F.R. §104.33; (b) the responsibility of District personnel to provide to students the special education and other related aids and services, as determined necessary by a group of knowledgeable persons (such as the CSE); (c) the District's obligation to maintain timely, detailed, and accurate documentation regarding the provision of services to the Student; and, (d) the District's obligation to track and/or monitor the provision of services to the Student, to ensure that all required services are provided.

**Reporting Requirement:** By November 15, 2016, the District will provide documentation to OCR demonstrating that training was provided consistent with Action Item 2 above, including (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.

### **Action Item 3:**

By June 30, 2016, the District will review the actions of School personnel to determine whether the District's failure to provide to the Student the use of an XX Xxxxxx, as well as any services corresponding to the use of the Student's XX Xxxxxx, as required by his IEPs during the course of school year 2015-2016, was in retaliation for the complainant's prior disability-related advocacy on the Student's behalf or on behalf of her older son. If the District determines that retaliation occurred, the District will determine whether disciplinary action is appropriate, and will take any necessary disciplinary action against the School personnel deemed responsible by August 15, 2016.

### **REPORTING REQUIREMENTS:**

- a) By July 15, 2016, the District will provide documentation to OCR for review and approval demonstrating that the District reviewed the actions of School personnel in accordance with Action Item 3 above. The documentation will include, at a minimum, a description of the process the District used to conduct the review; the District's findings/recommendation as to whether the actions of School personnel warrant disciplinary or other action, and why; and, the action taken by the District on based on its findings/recommendation. The District will also identify, by name and title, the administrator(s) involved in making the determination.
- b) If disciplinary or other action will be taken, then by September 1, 2016, the District will provide documentation to OCR demonstrating implementation of the action.

**Action Item 4:**

By October 31, 2016, and periodically thereafter, the District will provide training to relevant District personnel, including members of the Student's CSE, the Student's teachers and classroom aides, and other personnel responsible for ensuring the implementation of the Student's IEP, regarding the prohibition against retaliation. The training will include instruction regarding the following: (a) the requirements of Section 504 and the ADA, including that retaliation is prohibited and will not be tolerated; (b) the range of behaviors that constitute retaliation; (c) the disciplinary sanctions applicable to anyone who engages in retaliation; (d) the responsibility of staff to report incidents of possible retaliation and the procedures for doing so; and, (e) where, how and to whom instances of retaliation are to be reported.

**Reporting Requirement:** By November 15, 2016, the District will provide documentation to OCR demonstrating that the training referenced in Action Item 4 was provided to all relevant School personnel. This documentation will include, but will not be limited to, the date(s) of the training; the name and credentials of the trainer; copies of any training materials used, including any handouts, guides, or other materials; and, proof of attendance by staff at the School.

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(a), 104.33(b)(1)(i), 104.33(b)(2), and 104.61; and the ADA, at 28 C.F.R. §35.130(a) and 35.134, 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(a), 104.33(b)(1)(i), 104.33(b)(2), and 104.61; and the ADA, at 28 C.F.R. §35.130(a) and 35.134, 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.

July 11, 2016  
Date

/s/  
Ileana Eckert  
Superintendent of Schools  
North Rockland Central School District