

## **RESOLUTION AGREEMENT**

In order to resolve Case No. 02-16-1193, the West Milford Township 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), 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.

### **Action Item 1:**

By September 30, 2016, the District will convene a group of persons knowledgeable about the Student, such as the Section 504 Committee, to determine whether the Student requires any compensatory and/or remedial services because he was not provided with fidget toys, including a thera-band, from September 2015, to February 22, 2016, as stipulated in his Section 504 Plan. The District will invite the complainant to attend this meeting. If the group of knowledgeable persons determines that the Student requires compensatory and/or remedial services, the group will develop a plan for providing such services, with a completion date for providing the services not to extend beyond December 31, 2016.

### **Reporting Requirements:**

- a) By October 15, 2016, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting(s) referred to in Action Item 1 above, including an explanation for decisions made regarding compensatory and/or remedial services; and a description of and schedule for providing compensatory and/or remedial 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. §§ 104.33, 104.34 and 104.35, in making these determinations.
- b) By January 15, 2017, the District will provide documentation to OCR demonstrating that it has provided any necessary compensatory and/or remedial services to the Student. The documentation will include the dates, times, and locations of the services provided, a description of the services provided, and the name(s) of the service provider(s).

### **Action Item 2:**

By October 15, 2016, the District will provide training to all teachers, administrators and other relevant staff at Maple Road School regarding the requirements of Section 504 and the ADA with respect to providing a free appropriate public education to qualified disabled students and ensuring the implementation of the provisions of a Section 504 plan deemed appropriate by a group of knowledgeable persons. The training will emphasize the responsibility to ensure that any aids and services that a Section 504 team deems necessary for a student pursuant to a Section 504 plan are provided to that student.

**Reporting Requirement:** By November 1, 2016, the District will provide to OCR: (a) the name(s) of the individual(s) who conducted the training referenced in Action Item 2 above; (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. § 104.33, and the ADA, at 28 C.F.R. §§ 35.130(a) and (b)(1)(iii), 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, and the ADA, at 28 C.F.R. §§ 35.130(a) and (b)(1)(iii), 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.

8/8/2016

/s/

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Date

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West Milford Township School District