

RESOLUTION AGREEMENT

New Providence School District Case No. 02-12-1239

In order to resolve the allegations raised in Case No. 02-12-1239, the New Providence 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 November 30, 2013, the District will provide training to the teachers at the New Providence Middle School (the School) regarding the requirements of Section 504 and the appropriate methods for implementing and documenting implementation of Individualized Educational Programs and Section 504 Plans for disabled students.

Reporting Requirement: By November 30, 2013, the District will provide documentation to OCR demonstrating that training was provided consistent with Action Item 1 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 2:

By November 30, 2013, and periodically thereafter, the District will provide training to all staff at the School regarding the prohibitions against disability discrimination. The training will include instruction regarding the following: (a) the requirements of Section 504 and the ADA, including that discrimination and/or harassment based on disability is prohibited and will not be tolerated; (b) the range of behaviors that constitute discrimination and/or harassment based on disability; (c) the disciplinary sanctions applicable to anyone who engages in discrimination and/or harassment based on disability; (d) the responsibility of staff to report incidents of possible discrimination and/or harassment and the procedures for doing so; and (e) where, how and to whom instances of discrimination and/or harassment are to be reported.

REPORTING REQUIREMENT: By November 30, 2013, the District will provide documentation demonstrating that the training referenced in Action Item 2 was provided to all staff at the School. 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.

Action Item 3:

By November 30, 2013, and annually thereafter for new staff, the District will provide training to all School staff who are directly involved in processing, investigating and/or resolving complaints or other reports of disability discrimination, including harassment complaints, and any counselors or other District personnel who are likely to receive reports of such harassment. The training will review the District policies and procedures on disability discrimination and include instruction on how to conduct and document discrimination and/or harassment investigations in an adequate, reliable and impartial manner, including the appropriate legal standards to apply in such investigation, as well as outline the appropriate disciplinary measures for violations of the anti-harassment policy.

REPORTING REQUIREMENT: By November 30, 2013, the District will provide documentation demonstrating that the training referenced in Action Item 3 was provided to all staff referred to in Action Item 3. 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 directly involved in the processing, investigating and resolving of disability discrimination complaints.

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. §104.4(a) and (b)(1)(i)-(ii), and § 104.33(a), and the ADA, at 28 C.F.R. § 35.130(a) and (b)(1)(i)-(ii), 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. §104.4(a) and (b)(1)(i)-(ii) and § 104.33(a), and the ADA, at 28 C.F.R. § 35.130(a) and (b)(1)(i)-(ii), 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 a minimum of sixty (60) calendar days to cure the alleged breach.

[/s/ September 27, 2013]

/s/

Date

David M. Miceli
Superintendent of Schools
New Providence School District