

RESOLUTION AGREEMENT
New York City Department of Education
OCR Case No. 02-14-1352

The New York City Department of Education (NYCDOE) denies any violation 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, and any other law with respect to the accessibility of the auditorium located in school Q355. However, in order to resolve U.S. Department of Education, Office for Civil Rights (OCR) Complaint No. 02-14-1352, the NYCDOE agrees that it will take the actions set forth below.

Action Item:

1. By January 12, 2015, the NYCDOE will ensure that each program and activity conducted in the auditorium located in school Q355 that is open to parents, guardians, relatives and members of the general public, when viewed in its entirety, is readily accessible to individuals with mobility impairments. As stated in the regulations implementing Section 504 and the ADA, at 34 C.F.R. § 104.22(b) and 28 C.F.R. § 35.150, respectively, the NYCDOE may comply through such means as relocating programs to accessible buildings; or any other method resulting in making programs accessible to individuals with mobility impairments, including but not limited to live streaming.
2. By January 12, 2015, information about how to access programs and activities conducted in the auditorium located in Q355 will be posted on the websites of the three schools on the campus: Q251, Q355, and Q356.
3. For each program and activity conducted by Q251, Q355 or Q356 in the auditorium located in Q355 that is open to parents, guardians and members of the general public during school year 2014-2015, the NYCDOE will include information about how to access the programs in any flyers or promotional materials sent to parents and guardians regarding the event.

Reporting Requirements:

1. By January 19, 2015, the NYCDOE will provide OCR with documentation confirming that it has posted notice to all parents and guardians describing how events scheduled for the auditorium located in Q355 may be accessed by individuals with mobility impairments; including a copy of the notice to be posted on the websites of Q251, Q355, and Q356. OCR will review the documentation and proposed notice to ensure that the procedure parents and guardians will use complies with applicable accessibility standards.
2. By June 30, 2015, the NYCDOE will provide OCR with copies of all promotional materials sent to parents and guardians regarding events at Q251, Q355, and Q356

that took place in the auditorium located in Q355 between January 12, 2015 and June 30, 2015.

The NYCDOE understands that OCR will not close the monitoring of this agreement until OCR determines that the NYCDOE has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.21 and 104.22, as well as Title II of the ADA, at 28 C.F.R. § 35.150, which were at issue in this case. The NYCDOE 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, NYCDOE understands that during the monitoring of this agreement, if necessary, OCR may visit the NYCDOE, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the NYCDOE has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.21 and 104.22, as well as Title II of the ADA, at 28 C.F.R. § 35.150, which were at issue in this case. The NYCDOE 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 NYCDOE written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

11/26/14

/s/

Date

Authorized Official

NYCDOE