

Resolution Agreement
West Windsor-Plainsboro Regional School District
OCR Case No. 02-11-1098

In order to resolve the allegations in Case No. 02-11-1098, the West Windsor-Plainsboro Regional School District (the District) assures the U.S. Department of Education, New York Office for Civil Rights (OCR) that it will take the following actions pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 et seq., and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132 et seq., and its implementing regulation at 28 C.F.R. Part 35.

Action Item 1:

By September 30, 2011, the District will revise its Section 504 parent referral forms and related materials to exclude any requirement that a parent or guardian provide medical documentation prior to the initiation of an evaluation. The parent or guardian may still provide medical documentation voluntarily for consideration during the evaluation, and the District may advise the parent or guardian of such.

Reporting Requirement: By September 30, 2011, the District will provide OCR with a copy of the Section 504 parent referral forms and memorandum revised pursuant to Action Item 1 above.

Action Item 2:

By September 30, 2011, the District will conduct a review of all parent initiated referrals for Section 504 eligibility received during school years 2009-2010 and 2010-2011. The District must contact each parent to ascertain: (1) whether he or she obtained an evaluation prior to the initial referral meeting to satisfy the requirement that two professional evaluations be submitted to the Intervention and Referral Services Committee as a prerequisite to an eligibility determination; and (2) if the evaluation was completed at his or her own expense. Within sixty (60) calendar days of the District's receipt of proof of payment for any such evaluation and a statement from the parent regarding whether the parent obtained insurance coverage to defray all or part of the cost of the evaluation, the District must reimburse the parent for the out-of-pocket costs not covered by insurance upon receipt of proof of payment and the insurance carrier's explanation of benefits statement, if any.

Reporting Requirement: By December 15, 2011, the District will provide OCR with a list of all parent initiated referrals for Section 504 eligibility received during school years 2009-2010 and 2010-2011; and documentation confirming that the District took the actions referenced in Action Item 2 above for each of these parents.

Action Item 3:

By September 30, 2011, the District will revise its Section 504 parent referral and teacher input forms, and related materials, to exclude any item or statement from which it may be reasonably inferred that a parent or teacher demonstrate that the current academic program discriminates against the student as a prerequisite for an evaluation.

Reporting Requirement: By September 30, 2011, the District will provide OCR with a copy of the parent referral and teacher input forms, and related materials, revised pursuant to Action Item 3 above.

Action Item 4:

By October 31, 2011, the District will provide training to all District guidance counselors, Intervention and Referral Services Committee members, and teachers regarding the revised Section 504 referral forms and related materials adopted pursuant to Action Items 1 and 3 above. The training will also include a review of the District's policies and procedures relating to the identification, referral, and evaluation of students suspected of having a disability; the District's obligation to provide a "free appropriate public education" to each qualified student with a disability; and the procedural safeguards required by Section 504.

Reporting Requirement: By October 31, 2011, the District will provide documentation demonstrating that the training referenced in Action Item 4 above was provided to all District guidance counselors, Intervention and Referral Services Committee members, and teachers. 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.

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 regulation implementing Section 504, at 34 C.F.R. § 104.35, 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 regulation implementing Section 504, at 34 C.F.R. § 104.35, and the ADA, at 28 C.F.R. §§ 35.130(a) and (b)(1)(iii), which were at issue in this case.

8/23/11 _____
Date

_____/s/_____
Victoria Kniewel
Superintendent of Schools