

## **RESOLUTION AGREEMENT**

### **New York City Department of Education New Dorp High School (the School) Case No. 02-13-1194**

In order to resolve Case No. 02-13-1194, the New York City Department of Education (NYCDOE) assures the U.S. Department of Education, New York 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, as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104 (Section 504); and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35 (the ADA).

The NYCDOE will take steps to ensure that the School provides notice to parents/guardians with respect to actions regarding the identification and evaluation of students who, because of a disability, need or are believed to need accommodations to participate in the School's programs on an equal basis with their non-disabled peers. Such notices will include, but not be limited to, notice of school-based meetings (and outcomes of meetings) convened to discuss students' eligibility for accommodations within the meaning of Section 504.

#### **Action Item: Ensuring Implementation of the Notice Requirement**

By October 31, 2016, the NYCDOE will provide training to relevant staff and administrators at the School regarding the School's obligations under Section 504, including that the School must provide notice to parents/guardians with respect to actions regarding the identification and evaluation of students who, because of a disability, need or are believed to need accommodations to participate in the School's programs on an equal basis with their non-disabled peers.

#### **Reporting Requirements:**

- a) By November 30, 2016, the NYCDOE will provide documentation to OCR demonstrating that it has provided training to relevant staff and administrators at the School consistent with the above Action Item, including the date(s) the training was conducted; (b) the name(s), title(s), and credentials of the individual(s) who conducted the training; (c) a list of the individuals who attended the training and their positions and proof of their attendance; and (d) copies of all training materials used and disseminated, including handouts and guides.
- b) By January 31, 2017, the NYCDOE will provide documentation to OCR demonstrating that during the fall semester of the 2016-2017 school year, the School has provided notice to parents/guardians of school-based meetings (and outcomes of meetings) convened to discuss eligibility of students for accommodations within the meaning of Section 504.

The NYCDOE 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. § 104.36, and the ADA, at 28 C.F.R. § 35.130, 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, the 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. § 104.36, and the ADA, at 28 C.F.R. § 35.130, 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 proceedings to enforce this agreement, OCR shall give the NYCDOE written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

July 8, 2016

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Date

/s/

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Designated NYCDOE representative