

RESOLUTION AGREEMENT

Upper Freehold Regional School District Case Number 02-13-1241

In order to resolve the allegation in Case No. 02-13-1241, the Upper Freehold Regional School District (District) 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 (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 is expressly understood that nothing contained in this Agreement is intended to be, nor shall be construed as an admission or determination of liability by the District, or their agents, employees, or members as to the validity of any claim asserted against them related to this matter. The District continues to deny any liability and disclaim any responsibility for such claims.

Action Item 1:

By November 3, 2014, the District will begin to provide weekly one-hour math enrichment tutoring sessions to the Student via Skype for the duration of school year 2014-2015. Such tutoring will track the 7th grade curriculum of the District's Advanced Mathematics and Algebra Choice District Program at Stone Bridge Middle School (the Program). The District will provide the Student the opportunity to make up any missed sessions from November 3, 2014 through the duration of the 2014-2015 school year, with the date of any rescheduled sessions not to extend beyond June 30, 2015.

Reporting Requirement:

a) By December 30, 2014; March 30, 2015; and June 30, 2015, the District will provide to OCR a list of the dates and times that it provided tutoring to the Student and documentation demonstrating that the tutoring sessions address the 7th grade curriculum of the Program, pursuant to Action Item 1.

Action Item 2:

By November 3, 2014, the District will review and revise, as necessary, its procedures and practices for admitting students into the Program and all other programs it administers pursuant to the New Jersey Interdistrict Public School Choice Program Act¹. The procedures will not include admission criteria that require consideration of a student's disability status.

Reporting Requirements:

¹ N.J.S.A. 18A:36B-16, *et al.*

a) By November 3, 2014, the District will submit to OCR for review and approval a copy of its selection procedures pursuant to Action Item 2. In the event OCR has any objections to the proposed selection procedures, OCR will notify the District of its objections promptly, no later than 60 calendar days after receiving the draft documents.

b) By June 30, 2015, the District will provide documentation to OCR demonstrating that it complied with Action Item 2 during its review of applications for the Program and any other school choice programs for school year 2015-2016. Such documentation will include, at a minimum:

- (1) A list of all applicants who are disabled;
- (2) Whether any of these applicants were rejected; and
- (3) For each rejected applicant, a statement of the reason(s) for the rejection, and any documentation supporting the determination.

Action Item 3:

By December 31, 2014, the District will train relevant staff regarding: (a) the admission procedures it developed in accordance with Action Item 2; and (b) the District's obligations under Section 504 to provide a free and appropriate public education to qualified disabled students; including but not limited to the responsibility to implement the services contained in a student's Individualized Education Plan or Section 504 plan.

Reporting Requirement:

a) By December 31, 2014, the District will provide the following to OCR: (a) the name(s) of the individual(s) who conducted the training outlined in Action Item 3 above; (b) the date(s) the training was conducted; and (c) copies of any training materials disseminated.

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(b)(i) and § 104.33(a), and the ADA, at 28 C.F.R. § 35.130(a), § 35.130 (b)(1)(i), and § 35.164, 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(b)(i) and § 104.33(a), and the ADA, at 28 C.F.R. § 35.130(a), § 35.130 (b)(1)(i), and § 35.164, 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 proceeding 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.

10/22/2014

/s/
Dr. Richard M. Fitzpatrick, Ed.D., Superintendent
Upper Freehold Regional School District