

## **RESOLUTION AGREEMENT**

### **Morristown Central School District OCR Case No. 02-13-1286**

In order to resolve Case No. 02-13-1286, the Morristown Central 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 (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.

#### **Action Item 1**

By February 28, 2014, the District will convene a group of persons knowledgeable about the Student (such as the Committee on Special Education), including the complainant, to develop a plan for providing compensatory and/or remedial services (including counseling services) to the Student for the time period he did not receive any regular or special education or related aids and services from April 29 to June 12, 2013. The group will develop a plan for providing compensatory and/or remedial services with a completion date not to extend beyond June 30, 2014.

#### **Reporting Requirements:**

- a) By March 15, 2014, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referenced in Action Item 1 above; including an explanation for decisions made, and a description of and schedule for providing compensatory and/or remedial services to the Student. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.
- b) By July 15, 2014, the District will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided, and the name(s) of the service provider(s).

#### **Action Item 2**

By February 28, 2014, the District will provide training to the members of its Committee on Special Education, and any other relevant District staff, regarding 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 timely re-convene a group of knowledgeable persons to conduct a re-evaluation prior to making a significant change in the placement of a disabled student.

**Reporting Requirement:** By March 15, 2014, the District will provide to OCR: (a) the name(s) of the individuals who conducted the training referenced in Action Item 2 above; (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.

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. §§ 104.33, 104.34, 104.35, and 104.36, 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 regulations implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36, and the ADA, at 28 C.F.R. §§ 35.130(a) and (b)(1)(iii), 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.

This Resolution Agreement has been entered into voluntarily by the District and does not constitute an admission by the District that it is not in compliance with Section 504 or the ADA or their implementing regulations.

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January 10, 2014  
Date

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/s/  
\_\_\_\_\_  
[Authorized Official]  
Morristown Central School District