

RESOLUTION AGREEMENT

Yonkers Public School District OCR Case No. 02-13-1318

In order to resolve Case No. 02-13-1318, the Yonkers Public 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, and its implementing regulation at 34 C.F.R. Part 104 (Section 504), 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.

Action Item 1:

By May 15, 2014, the District will convene a meeting of a group of persons knowledgeable about each student who is still enrolled in the xxxxx xxxxx xxxxxxxxxxx xxxxxx (the School), who was scheduled to receive speech therapy services for school year 2012-2013, and may not have received speech therapy services as required by his/her Individualized Education Plan (IEP) or Section 504 Plan during the administration of statewide testing at the District during school year 2012-2013. For purposes of complying with this Action Item, the District may convene a meeting in conjunction with each student's annual review if it occurs on or before May 15, 2014. The District will invite each such student's parent(s) to attend this meeting. The group will determine whether each such student requires additional services due to the fact that he/she may not have received speech therapy services during the administration of statewide testing at the District during school year 2012-2013. If the group determines that additional services are appropriate for any student, the group shall develop a plan to provide the student with such services, with a completion date for providing the services not to extend beyond June 30, 2014.

Reporting Requirements:

- a. By May 15, 2014, the District will provide documentation to OCR confirming that the District has convened the meetings set forth in Action Item 1 above. Such documentation will substantiate that the meetings have taken place; and will include an explanation for decisions made, and a description of and schedule for providing additional services, if any, to each student for whom additional services are required under the terms of this agreement. 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 June 30, 2014, the District will provide documentation to OCR demonstrating that it has provided each student identified in the preceding paragraph with any additional services deemed necessary. The documentation will include the dates, times, and locations that services were provided, and the name(s) of the service provider(s).

Action Item 2:

The District will ensure that each disabled student at the School who requires speech therapy services is provided with the appropriate amount of services, and that speech therapists are available to provide services as scheduled even during the administration of statewide testing.

Reporting Requirement: By June 30, 2014, the District will provide documentation to OCR demonstrating that speech therapists provided students at the School with their mandated speech therapy services on the dates of statewide testing administration, if the students were scheduled to receive speech therapy services on such dates.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. §104.33, and the ADA, at 28 C.F.R. § 35.130(a) and (b)(1)(iii), which was 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. Further, the District understands that during the monitoring of this agreement, 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. §104.33, and the ADA, at 28 C.F.R. § 35.130(a) and (b)(1)(iii), which was 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.

1/27/2014

Date

/s/
[Authorized Official]
Yonkers Public School District