

RESOLUTION AGREEMENT

Erie 1 Board of Cooperative Educational Services - (Erie 1 BOCES)

OCR Docket No. 02-14-1180

In order to resolve Case No. 02-14-1180, Erie 1 Board of Cooperative Educational Services (“the BOCES”) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to 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; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106; Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100; the Age Discrimination Act of 1975 (the Age Discrimination Act), 42 U.S.C. § 6101 *et seq.*, and its implementing regulation at 34 C.F.R. Part 110; and the Boy Scouts of America Equal Access Act (Boy Scouts Act), 20 U.S.C. § 7905, and its implementing regulation at 34 C.F.R. Part 108.

Prior to the completion of OCR’s investigation, the BOCES requested to resolve the issues raised by the investigation pursuant to Section 302 of OCR’s *Case Processing Manual*. The BOCES, without any admission with respect to the allegations of the above-referenced Complaint, voluntarily enters into this Agreement with OCR in order to resolve the Complaint.

Nothing in this Agreement constitutes an admission of wrongdoing or liability by the BOCES pursuant to any federal law, including but not limited to Section 504, the ADA, Title IX, Title VI, the Age Discrimination Act, or the Boy Scouts. The BOCES does not admit, and specifically denies, any wrongdoing or violation of any federal or state law, statute, regulation or policy.

Notice(s) of Nondiscrimination

Action Item 1:

By October 1, 2014, the BOCES will revise its existing notice(s) of nondiscrimination to state that the BOCES does not discriminate on the basis of race, color, national origin, disability, sex, or age, or under the Boy Scouts Act, in its programs and activities (the notice(s) may include other bases as may be required under other applicable law); and, that this requirement not to discriminate extends to employment and admission as applicable. Additionally, the notice will state that inquiries concerning the application of regulations prohibiting discrimination may be referred to the person(s) designated to coordinate the BOCES’s efforts to comply with all aspects of regulations prohibiting discrimination (including applicable contact information), or to OCR.

Reporting Requirement:

By October 1, 2014, the BOCES will provide a copy of its proposed notices of non-discrimination to OCR for review and approval.

Action Item 2:

By December 1, 2014, or within thirty (30) calendar days of receipt of written notification from OCR that the BOCES' proposed notices of non-discrimination comply with the regulations which were at issue in this case, whichever is later, the BOCES will ensure that the revised notices of nondiscrimination (which will include contact information for the applicable compliance officers) are posted to the BOCES' website and included in relevant materials and publications of general distribution by the BOCES such as student and employee handbooks, recruitment announcements and brochures, course and program catalogs, or application forms which BOCES makes available to students, parents of elementary or secondary students, employees, applicants for admission or employment, unions or professional organizations holding collective bargaining or professional agreements with the BOCES. Appropriate inserts may be included in existing materials and publications, or, in the alternative, the BOCES may use other reasonable methods of notification depending on the circumstances (such as notification through the BOCES' website, electronic mail messages to employees and students, etc.), pending revision and reprinting of such materials and publications. The BOCES will also ensure that it notifies students, parents and employees of the name and/or title, office address, electronic mail (email) address, and telephone number of the person(s) designated to coordinate the BOCES' efforts to comply with all aspects of regulations prohibiting discrimination.

Reporting Requirement:

By December 31, 2014, or within fifteen (15) calendar days of completing the Action Item above, whichever is later, the BOCES will provide documentation to OCR demonstrating that the approved notices have been revised consistent with the Action Item above; such as providing to OCR a copy of revised materials and publications containing the notice(s) of nondiscrimination, and/or a link to the BOCES website and any on-line version of the materials and publications. As noted above, appropriate inserts may be included in existing materials and publications, or, in the alternative, the BOCES may use other reasonable methods of notification depending on the circumstances (such as notification through the BOCES' website, electronic mail messages to employees and students, etc.), pending revision and reprinting of such materials and publications. Copies of any inserts along with an explanation of the material or publication in which the inserts will be used, or copies of alternative notifications used, if applicable, will be sufficient to establish compliance with this reporting requirement.

If the BOCES anticipates that it will be unable to meet any of the deadlines set forth in this agreement, the BOCES may request a reasonable extension of time for the BOCES to comply with a specific provision; such requests are subject to OCR approval.

This Agreement will become effective immediately upon signature of the BOCES' representative below. Upon receipt of written notice from OCR that the BOCES has fulfilled the reporting requirements of this agreement, the allegations raised by the Complaint filed in Case

No. 02-14-1180 shall be deemed resolved, the Complaint closed, and OCR shall conclude its monitoring of the Case.

The BOCES 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. §104.8; Title II of the ADA, at 28 C.F.R. §35.106; Title IX, at 34 C.F.R. §106.9; Title VI, at 34 C.F.R. § 100.6(d); the Age Act, at 34 C.F.R. § 110.25 (b); and the Boy Scouts Act, at 34 C.F.R. § 108.9, which were at issue in this case. The BOCES 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 BOCES understands that during the monitoring of this agreement, if necessary, OCR may visit the BOCES, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the BOCES has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §104.8; Title II of the ADA, at 28 C.F.R. §35.106; Title IX, at 34 C.F.R. §106.9; Title VI, at 34 C.F.R. § 100.6(d); the Age Act, at 34 C.F.R. § 110.25 (b); and the Boy Scouts Act, at 34 C.F.R. § 108.9, which were at issue in this case. The BOCES 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 BOCES written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Date

CS

Carol E. Barber
Deputy Superintendent/COO
Erie 1 BOCES