

RESOLUTION AGREEMENT

Board of Cooperative Educational Services – Monroe 2 (BOCES) **OCR Docket No. 02-14-1183**

In order to resolve Case No. 02-14-1183, 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 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; 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.

OCR requested the BOCES resolve the issues raised by the Complaint. As a result the BOCES voluntarily enters into this Agreement with OCR in order to resolve the Complaint without any admission with respect to the allegations of the above-referenced 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.

Action Item: Notice of Nondiscrimination

By September 30, 2014 the BOCES will revise its existing notice 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 may include other bases as required under applicable law); and, that this requirement not to discriminate extends to employment and admission/enrollment 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, or to OCR. The BOCES will ensure that the notice of nondiscrimination is included in each, announcement, bulletin, catalog, or application form which BOCES makes available to students, parents, employees, applicants for employment or admission/enrollment, unions, and professional organizations holding collective bargaining or professional agreements with the BOCES. The BOCES will also ensure that it notifies students, parents, employees, applicants for employment or admission/enrollment, unions, and professional organizations holding collective bargaining or professional agreements with the

BOCES of the name and/or title, office address, electronic mail (email) address, and telephone number of the person(s) designated to coordinate the District's efforts to comply with all aspects of regulations prohibiting discrimination.

Reporting Requirements:

- a) By September 30, 2014 the BOCES will provide a copy of its proposed notice of non-discrimination to OCR for review and approval.
- b) By October 30, 2014, the BOCES will provide documentation to OCR demonstrating that the approved notice has been provided consistent with the Action Item above; such as a copy of revised materials and publications containing the notice of nondiscrimination, and/or a link to the on-line version of the materials and publications. 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 may request an extension of time for the BOCES to comply with the deadlines as stated above if there are reasons that BOCES is unable to meet such deadlines. Such extensions 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. 02-14-1183 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.

8/18/14

Date

/s Jo Anne Antonacci

Jo Anne Antonacci,
BOCES Monroe 2-Orleans District Superintendent