

RESOLUTION AGREEMENT

Westfield School District Case Number 02-14-1274

In order to resolve the allegation in Case No. 02-14-1274, the Westfield School District assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it voluntarily 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; 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; and 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.

Action Item 1:

By December 15, 2014, the District will convene a group of knowledgeable persons (such as the Section 504 Committee), to determine whether the Student requires any compensatory services because the Student did not receive English class home instruction between February and May 2014. If the group of knowledgeable persons determines that the Student requires compensatory services, the group will develop a plan for providing those services; with a completion date for providing the services not to extend beyond June 30, 2015.

Reporting Requirements:

- a) By December 31, 2014, the District will submit to OCR a copy of the meeting minutes or similar documentation from each meeting referred to in Action Item 1 above; including but not limited to an explanation for decisions made regarding compensatory services, and a description of and schedule for providing compensatory services, if any, to the Student. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulations implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.
- b) By July 15, 2015, the District will provide documentation to OCR demonstrating that it has provided the Student with any compensatory 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

By December 30, 2014, the District will provide training to the members of its Section 504 Committee, 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 students who are on home instruction.

Reporting Requirement: By January 15, 2015, 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 and 104.61; the ADA, at 28 C.F.R. § 35.134; and Title VI, at 34 C.F.R. §§ 100.3(b) and 100.7(e); 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 and 104.61; the ADA, at 28 C.F.R. § 35.134; and Title VI at 34 C.F.R. §§ 100.3(b) and 100.7(e), 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.

11/12/14

/s/

Date

[Authorized Official]
Westfield School District