

RESOLUTION AGREEMENT

Eastern Suffolk Board of Cooperative Educational Services (ES BOCES)

OCR Docket No. 02-14-1282

In order to resolve Case No. 02-14-1282, the ES 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 of 2001 (Boy Scouts Act), 20 U.S.C. § 7905, and its implementing regulation at 34 C.F.R. Part 108.

Action Item: Notice of Nondiscrimination

By March 23, 2015, the ES BOCES will revise its existing notice of nondiscrimination to state that the ES 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); 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 ES BOCES's efforts to comply with all aspects of regulations prohibiting discrimination, or to OCR. The ES BOCES will ensure that the notice of nondiscrimination is included in each announcement, bulletin, catalog, or application form which ES BOCES makes available to students, parents, employees, applicants for employment, unions, and professional organizations holding collective bargaining or professional agreements with the ES BOCES. The ES 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 District's efforts to comply with all aspects of regulations prohibiting discrimination.

Reporting Requirements:

- a) By October 1, 2014, the ES BOCES will provide a copy of its proposed notice of non-discrimination to OCR for review and approval. In the event OCR has any objections to the proposed notice provided by the ES BOCES for review, OCR will notify the ES BOCES of its objections promptly, no later than 15 calendar days after receiving the proposed notice.
- b) By October 15, 2014 or fifteen days after ESBOCES receipt of OCR's approval of ES BOCES proposed notice of discrimination, whichever is later, the ES

BOCES will provide documentation to OCR demonstrating that it has modified its website consistent with the Action Item above.

- c) By October 15, 2014 or fifteen days after ESBOCES receipt of OCR's approval of ES BOCES proposed notice of discrimination, whichever is later, the ES BOCES will provide documentation to OCR demonstrating that it has modified student handbooks, forms, and public notices of nondiscrimination consistent with the Action Item above. Inserts may be used pending reprinting of the materials and publications.
- d) By March 23, 2015 or no later than six months from the date ES BOCES receives OCR's final approval of the nondiscrimination notice, ES BOCES will provide documentation to OCR that its board policies and procedures, and any other documents requiring a modification to the ES BOCES nondiscrimination statement, will be provided to OCR consistent with the Action Item above. Inserts may be used pending reprinting of the materials and publications.

The ES 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 regulation implementing the Boy Scouts Act, at 34 C.F.R. § 108.9, which was at issue in this case. The ES 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 ES BOCES understands that during the monitoring of this agreement, if necessary, OCR may visit the ES BOCES, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the ES BOCES has fulfilled the terms of this agreement and is in compliance with the regulation implementing the Boy Scouts Act, at 34 C.F.R. § 108.9, which was at issue in this case. The ES 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 ES BOCES written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

9-23-14
Date

/S/
Eastern Suffolk BOCES Representative