

RESOLUTION AGREEMENT
Yonkers School District
Case No. 02-15-1040

In order to resolve Case No. 02-14-1040, the Yonkers School District 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.

Action Item 1:

By April 30, 2015, the District will convene a group of knowledgeable persons, such as the Committee on Special Education, to determine whether the Student requires any compensatory services because he was not provided with speech and language, occupational and physical therapies during school year 2014-2015. If the group of knowledgeable persons determines that the Student requires compensatory services, the group will develop a plan for providing such services, with a completion date for providing the services not to extend beyond August 21, 2015.

Reporting Requirements:

- a. By May 15, 2015, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting(s) referenced 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 regulation implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36, in making these determinations.
- b. By September 4, 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, time and locations that the services were provided, a description of the services provided, and the name(s) of the service providers.

Action Item 2:

By June 19, 2015, the District will provide training to all relevant District/School staff responsible for ensuring that related aids and services deemed appropriate by a group of knowledgeable persons are provided to qualified individuals with disabilities. The training will review the District's process for monitoring the provision of related aids and services and obligation to periodically reevaluate students who have been provided special education and related services under Section 504.

Reporting Requirements:

By June 30, 2015, the District will provide documentation to OCR demonstrating that all relevant District/School staff were provided with the training referred to in Action Item 2. Documentation will include the date(s) of the training, the name and the professional qualifications of the trainer, the substance of the training conducted, copies of any training materials distributed, and proof of attendance by relevant District/school staff, including a list with the names and titles of staff in attendance.

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 regulations implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35, and 104.36, and the ADA, at 28 C.F.R. §§ 35.130(a) and (b)(1)(iii), 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, 104.34, 104.35, and 104.36, and the ADA, at 28 C.F.R. §§ 35.130(a) and (b)(1)(iii), 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 proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Dated: 4/13/15

By: /s

Leo Macias
Director of Special Education -
Compliance for the Yonkers School
District