

## **RESOLUTION AGREEMENT**

### **North Arlington School District Case No. 02-15-1230**

In order to resolve Case No. 02-15-1230, the North Arlington 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, as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104 (Section 504); and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35 (ADA).

#### **Action Item 1:**

By March 31, 2016, the District will convene a group of knowledgeable persons consistent with the requirements of the regulation implementing Section 504 (such as the CST, relevant district administrators, and/or other such groups of individuals) to review District teachers' use during school year 2014-2015 of confrontational techniques when facilitating appropriate behavior from the Student, and determine whether counseling, compensatory or remedial services are necessary for the Student. If counseling, compensatory and/or remedial services are deemed necessary, the group will develop a plan for providing timely counseling, compensatory and/or remedial services with a completion date not to extend beyond May 31, 2016.

**Reporting Requirement:** By March 31, 2016, the District will provide to OCR the decision as to whether counseling, compensatory and/or remedial services are needed following the meeting held in accordance with Action Item 1. The District will submit to OCR documents substantiating the group's decision, including but not limited to documentation identifying the participants in the meeting; an explanation for decisions made; the information considered; and a description of and schedule for providing any counseling, compensatory and/or remedial services (if any) to the Student. OCR will review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36 in making these determinations. By May 31, 2016, the District will provide documentation to OCR of the dates, times and locations that any counseling, compensatory and/or remedial services were provided to the Student consistent with the plan developed in accordance with Action Item 1; including, a description of the services provided and the name(s) of the service provider(s).

#### **Action Item 2:**

By September 30, 2016, the District will provide training to all District teachers, administrators and other relevant staff regarding the requirements of Section 504 and the ADA with respect to providing a free appropriate public education to qualified disabled students and ensuring the implementation of the provisions of an Individualized Education Program (IEP) deemed appropriate by a group of knowledgeable persons. The training will additionally emphasize the

importance of documenting the provision of related aids and services during the implementation of an IEP.

**Reporting Requirement:** By September 30, 2016, the District will submit to OCR documentation demonstrating that the District provided training in accordance with Action Item 2 above; including the name and credentials of the trainer, the date(s) of the training, a short summary of the material covered, copies of any training materials distributed, and proof of attendance by relevant District staff.

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, and the ADA, at 28 C.F.R. § 35.130(a), 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 the ADA, at 28 C.F.R. § 35.130(a), 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 sixty (60) calendar days to cure the alleged breach.

March 2, 2016

/s/

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Date

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Dr. Oliver Stringham, Superintendent  
North Arlington School District