

## **RESOLUTION AGREEMENT**

### **Yonkers Public Schools OCR Case No. 02-16-1002**

In order to resolve Case No. 02-16-1002, the Yonkers Public Schools (the 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.

The entering into of this Agreement is in lieu of continued investigation into this matter and the District denies the allegations at issue herein. This agreement does not constitute an admission of liability on the part of the District that it has violated any regulations enforced by OCR, and does not constitute a determination by OCR of any violation of any regulations enforced by OCR.

#### **ACTION ITEM 1:**

By April 8, 2016, the District will appoint an appropriate individual to review all actions of District staff taken, or any lack of appropriate action taken, in response to all request(s) made by or on behalf of the complainant for XXXXX and XXXXX during school year XXXX-XXXX; and to determine whether any staff member(s) retaliated against the complainant with respect to responding to the request(s). Following the review, the District administrator will recommend to the District's Superintendent whether any action, up to and including disciplinary action, should be taken against any District staff member(s) regarding the District's response(s), or lack thereof, to the complainant's request(s).

#### **REPORTING REQUIREMENTS:**

- (a) By April 30, 2016, the District will provide documentation to OCR demonstrating that the District administrator reviewed the actions of District staff in accordance with Action Item 1 above. The documentation will include, at a minimum, a description of the process the District administrator utilized to conduct the review; whether the administrator determined that retaliation occurred, and the reason(s) why or why not; the administrator's recommendation to the Superintendent regarding whether disciplinary or other action was warranted, and why; and, the action taken by the District in response to the administrator's recommendation.
- (b) If disciplinary or other action will be taken, then by May 30, 2016, the District will provide documentation to OCR demonstrating implementation of the action.

**ACTION ITEM 2:**

By June 1, 2016, Roosevelt High School (the School) will implement an internal plan for responding to requests for supplies and/or equipment to assure that they are addressed in a timely manner and that those processing/responding to such requests do not engage in retaliation.

**REPORTING REQUIREMENTS:**

- (a) By June 3, 2016, the District will provide a copy or written description of the plan/process developed in accordance with Action Item 2 above. The District will also explain how it provided notice of the plan to school staff, as well as District administrators and staff responsible for responding to requests for equipment and supplies.
- (b) By June 30, 2017, the District will provide copies of any request(s) made by the complainant for equipment and supplies during school year 2016-2017, and the District's response(s) thereto. With respect to each request, the District will provide documentation and/or an explanation of: (a) the date of the request; (b) the steps taken to respond to the request; (c) whether the request was approved or denied, and the reason(s) why; (d) the date the request was approved or denied; and (e) if appropriate, the date the request was fulfilled.

**ACTION ITEM 3:**

By September 5, 2016, the District has requested that OCR provide training to all District administrators responsible for responding to requests made by teachers at the School for equipment and supplies, regarding the District's obligation to refrain from engaging in retaliation, pursuant to the regulation implementing Section 504, at 34 C.F.R. § 104.61, and the regulation implementing the ADA, at 28 C.F.R. § 35.134. The training will cover the prohibition against retaliating against any individual because they have engaged in protected activity, such as advocating for rights guaranteed by the regulations OCR enforces. The training will also include a discussion of the following: (a) what constitutes a protected activity; (b) the prohibition against adverse actions in response to those protected activities; (c) recognizing acts of retaliation and intimidation, and their effects on individuals who engaged in protected activities; and (d) that effective action, including disciplinary action where appropriate, will be taken against administrators or staff found to have engaged in retaliatory conduct. All training materials disseminated during the training of District administrators will be provided to School staff responsible for responding to requests made by teachers at the School for equipment and supplies, with a memorandum reinforcing the staff's obligation to refrain from engaging in retaliation.

**REPORTING REQUIREMENT:** By September 15, 2016, the District will provide to OCR a list of the administrators who attended the training and their positions, and confirmation of the delivery of training materials and the memorandum referenced in

Action Item 3 to School staff responsible for responding to requests made by teachers at the School for equipment and supplies.

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. § 104.61, and the ADA, at 28 C.F.R. § 35.134, 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. Further, the District understands that during the monitoring of this agreement, 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. § 104.61, and the ADA, at 28 C.F.R. § 35.134, 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.

/s/

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Date

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[DESIGNEE]  
Yonkers Public Schools