

RESOLUTION AGREEMENT

Camden City School District OCR Case No. 02-16-1077

In order to resolve Case No. 02-16-1077, the Camden City School District (the District) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the following actions 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. § 12132 et seq., and its implementing regulation at 28 C.F.R. Part 35.

Action Item 1:

By May 31, 2016, the District will convene a meeting of a group of persons knowledgeable about the Student, such as the Child Study Team (CST), including the complainant's parent or guardian, to determine whether the Student requires any remedial or compensatory services for any period of time during school year 2015-2016 the Student did not receive weekly counseling services as required by his individualized education program (IEP) and for any failure to appropriately implement his behavior intervention plan (BIP) during school year 2015-2016, which led to missed instructional time due to removals from class or detention for behavioral reasons. If the CST determines that the Student requires remedial or compensatory services, the CST will develop a plan for providing these services, with a completion date not to exceed January 31, 2017. The CST will also determine whether any removals from class and/or detentions the Student received should be expunged from the Student's disciplinary record because the removal and/or detention was due to the failure to appropriately implement the Student's behavior intervention plan (BIP). The CST will determine the appropriate placement for the Student for school year 2016-2017. The District will ensure that it provides the Student with the special education and related aids and services to address his behavioral issues that are required by his IEP and BIP, for the remainder of school year 2015-2016 and during school year 2016-2017.

Reporting Requirements:

- (a) By June 30, 2016, the District will submit a copy of the meeting minutes or similar documentation from the meeting referenced in the Action Item 1 above, including an explanation for decisions made; the plan for providing any remedial and/or compensatory services to the Student; a copy of the Student's revised disciplinary record, if determined necessary; information regarding the Student's placement for school year 2016-2017, as determined by the CST; and, documentation demonstrating that the District provided notice of and invited the complainant to the meeting. 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. §§ 104.34, 104.35 and 104.36, in making these determinations.
- (b) By August 31, 2016, the District will provide documentation to OCR demonstrating that the District provided the Student with the special education and related aids and

services required by his IEP and BIP for the remainder of school year 2015-2016, including the name of the person(s) providing the Student's counseling services; the name(s) and title(s) of any District staff responsible for ensuring that the Student received the other special education and related aids and services described in his IEP and BIP; and, any documentation supporting that counseling services and the other related aids and services required by his IEP and BIP were provided, such as service logs, behavior logs, behavior charts, and/or invoices.

- (c) By March 1, 2017, the District will provide documentation to OCR of the dates, times, and locations that remedial and/or compensatory services were provided pursuant to the plan developed in accordance with Action Item 1 above, if any, and the name(s) of the service provider(s).
- (d) By August 31, 2017, the District will provide documentation to OCR demonstrating that the District provided the Student with the special education and related aids and services required by his IEP and BIP during school year 2016-2017, including the name(s) and title(s) of any District staff responsible for ensuring that the Student received the special education and related aids and services described in his IEP and BIP; and, any documentation supporting that the related aids and services required by his IEP and BIP were provided, such as service logs, behavior logs, behavior charts, and/or invoices.

Action Item 2:

By October 31, 2016, the District will provide training to instructional staff, building administrators, the School nurse, and CST members of the XXXXXXXXXX X XXXXXX XXXXXX regarding the prohibitions against harassment and retaliation of students. Specifically, the training will include instruction regarding the District's responsibility to provide a free appropriate public education (FAPE) and the responsibility of District staff to provide the educational and other related aids and services deemed appropriate for students by the CST or Section 504 teams. The training should also include instruction regarding the requirements of Section 504 and the ADA, including (a) that disability harassment and discrimination is prohibited and will not be tolerated; (b) what types of conduct constitute harassment and discrimination; (c) the negative impact that harassment and discrimination has on the educational environment; (d) how staff and administrators are expected to respond to harassment and discrimination of which they have knowledge; (e) the responsibility of staff and administrators to report incidents of possible harassment and discrimination; (f) where, how, and to whom instances of disability harassment and discrimination are to be reported; and (g) that Section 504 and the ADA prohibit retaliation against a student and/or a student's parent(s)/guardian(s) because they have engaged in protected activities, such as advocating on behalf of their children for the rights guaranteed by the regulations OCR enforces. The training regarding retaliation should also include instruction regarding: (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.

Reporting Requirement: By November 15, 2016, the District will provide documentation to OCR demonstrating that training was provided consistent with Action Item 2 above, including (a) the name(s) of the individual(s) who conducted the training; (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 has disputed the complaint underlying this Resolution Agreement, but it has determined that it is in its interest to amicably resolve and settle the disputed issues by entering into this Resolution Agreement. By agreeing to this Resolution Agreement, neither the District nor any of its officials, officers, employees, agents or representatives admit to any liability or wrongdoing, and nothing herein shall be construed as an admission of liability or wrongdoing. The signing of this Resolution Agreement is not intended, and shall not be construed, as any admission that the District violated any federal, state or local law, ordinance, or regulation; violated any of its policies or procedures; or committed any wrongdoing or wrongful act against the complainant or any other person.

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. §§ 104.4, 104.33, and 104.61; and the ADA, at 28 C.F.R. §§ 35.130(a) and (b)(1)(iii) and 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 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. §§ 104.4, 104.33, and 104.61; and the ADA, at 28 C.F.R. §§ 35.130(a) and (b)(1)(iii) and 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 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.

May 13, 2016
Date

/s/
Katrina McCombs
Deputy Superintendent, School Support

Camden City School District