

## **RESOLUTION AGREEMENT**

### **Flemington-Raritan Regional School District OCR Case No. 02-16-7064**

In order to resolve Case No. 02-16-7064, the Flemington-Raritan Regional School District (the District) assures the U.S. Department of Education, 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. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

#### **Action Item 1: Remedies for the Student**

By March 31, 2017, the District will convene a group of persons knowledgeable about the Student, such as the Child Study Team (CST), to determine whether an adult must be present when the Student is picked up from and/or dropped off at home by his school bus. The District will invite the complainants to attend the meeting and will notify them that they may submit documentation in support of their request that the Student be permitted to be dropped off at home without an adult present. In making a determination, the group will consider information from a variety of sources, including any documentation submitted by the complainants in support of their request. The group will also consider whether the Student requires any compensatory services because the District required that an adult be present at home when he was dropped off from school by his school bus during school year 2016-2017. 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 June 30, 2017. The District will provide the complainants with notice of their procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

#### **Reporting Requirements:**

- a) By April 15, 2017, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referenced in Action Item 1 above, including an explanation for decisions made regarding whether an adult must be present when the Student is picked up from and/or dropped off at home by his school bus; an explanation for decisions made regarding compensatory services; and, a description of and schedule for providing compensatory services, if any, to the Student. The District will also submit to OCR copies of all documentation considered during 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 its determinations.
- b) By July 15, 2017, if compensatory services are offered to the Student, the District will provide documentation to OCR demonstrating that it has provided the Student with the compensatory services. The documentation will include the dates, times, and

locations of the services provided, a description of the services provided, and the name(s) of the service provider(s).

**Action Item 2: Revision of the Transportation Policy**

By May 31, 2017, the District will revise the “Special Needs” section of its Transportation Handbook (the handbook), to either remove the requirement that all students with IEPs that provide for transportation services may only to be picked up from and/or dropped off at home by the school bus if a parent or guardian is present; or, articulate that this requirement will only be imposed if a determination is made by the CST, or other appropriate group of knowledgeable persons, that such a requirement is appropriate for the individual student, in accordance with the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. § 104.35(c).

**Reporting Requirements:**

- a) By April 15, 2017, the District will provide to OCR a draft of the revised section of the handbook for OCR’s review and approval.
- b) Within thirty (30) calendar days after the District’s receipt of OCR’s approval of the revised section of the handbook, the District will provide documentation to OCR to substantiate that it has adopted the OCR-approved revised section of the handbook; updated its printed and on-line publications as necessary (inserts may be used pending reprinting of publications); and electronically disseminated the revised section of the handbook to appropriate District staff, including the Director of Transportation and building principals. This documentation will include at a minimum: (i) printouts or a link to all on-line publications containing the revised section of the handbook; (ii) if not yet finalized, copies of inserts for printed publications; and, (iii) evidence of the electronic dissemination of the revised section of the handbook to appropriate staff. If inserts were used for any publications, then by September 1, 2017, the District will provide to OCR copies of the printed versions of all publications disseminated to students, parents and/or employees containing the revised section of the handbook.

**Action Item 3: Training**

By April 30, 2017, the District will provide training to the Director of Transportation, the special education director, and all building principals regarding the District’s responsibility to adhere to the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. § 104.35(c), which require that placement decisions, as well as decisions about the provision of related aids and services (including transportation services), be made by a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placements options, in conformity with the regulation implementing Section 504, at 34 C.F.R. §104.35. The training will also cover the revised section of the Transportation Handbook referenced in Action Item 2 above.

**Reporting Requirement:** By May 15, 2017, the District will provide documentation to OCR demonstrating that training was provided consistent with Action Item 3 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.

**Action Item 4: Remedies for Other District Students**

By June 30, 2017, in conjunction with its annual reviews, for all students who have IEPs and Section 504 Plans containing a provision for transportation services, the District will ensure that any decisions about whether the student requires an adult to be present when picked up and/or dropped off at home by his or her school bus is made by a group of knowledgeable persons, such as the CST, consistent with the requirements of the regulation implementing Section 504. The District will invite the students' parents/guardians to attend these meetings. In making a determination for these students, the group will consider information from a variety of sources, including any documentation submitted by the parents/guardians. The group will also consider whether these students require any compensatory services because the District required that an adult be present at home when the student was dropped off from school by the school bus during school year 2016-2017. If the group of knowledgeable persons determines that any 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 December 31, 2017. The District will provide each student's parent/guardian with notice of their procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

**Reporting Requirements:**

- a) By July 31, 2017, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meetings referenced in Action Item 4 above, including an explanation for decisions made regarding whether an adult must be present when the student is picked up from and/or dropped off at home by his or her school bus; 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. §§ 104.34, 104.35 and 104.36, in making its determinations.
- b) By January 31, 2018, if compensatory services were offered to any student, the District will provide documentation to OCR demonstrating that it has provided the student with the compensatory services. The documentation will include the dates, times, and locations of the services provided, a description of the services provided, and the name(s) of the service provider(s).

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. §§ 104.4, 104.33, and 104.35, 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. §§ 104.4, 104.33, and 104.35, 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, including 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, including 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.

3/17/17

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Date

/s/

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Superintendent or Authorized Designee  
Flemington-Raritan Regional School District