

RESOLUTION AGREEMENT

Passaic Public School District Case No. 02-17-1151

In order to resolve Case No. 02-17-1151, the Passaic Public School District (the District) assures the U.S. Department of Education, Office for Civil Rights, (OCR), that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 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. Sections 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

The District has taken, or will take, the following steps to provide the complainant's sons (the Students), and other students with disabilities, an equal opportunity to participate in the District's Saturday Academy Enrichment Program (the program):

Action Item 1: Individual Remedies

By September 30, 2017, the appropriate program staff, and other District staff as deemed necessary, will meet to determine the aid, benefits or services to be provided in order to ensure that the Students have an equal opportunity to participate in the program for school year 2017-2018, including but not limited to considering the provision of a special education teacher and aide. The District will invite the Students' parents to attend this meeting and provide the Students' parents with advance written notice of the meeting.

Reporting Requirement: By September 15, 2017, the District will provide documentation to OCR demonstrating that the group met and made determinations consistent with requirements of Action Item 1 above. The documentation will include, at a minimum, a copy of the written notice to the Students' parents regarding the meeting; the name(s) and title(s) of all District/program staff and any other individuals in attendance at the meeting; a copy of the meeting minutes or similar documentation from the meeting; and, an explanation for decisions made. OCR will review the documentation submitted to ensure compliance with Section 504 and the ADA in making these determinations.

Action Item 2: Revised Policies and Procedures

By September 30, 2017, the District will revise the program policies and procedures to reflect a process for parents/guardians to request, and for program staff to individually consider, the provision of aids, benefits and services to ensure that qualified individuals with disabilities have an equal opportunity to participate in the program.

Reporting Requirements:

- a) By September 15, 2017, the District will provide to OCR drafts of the revised policies and procedures, consistent with Action Item 2, for OCR's review and approval.
- b) Within fifteen (15) calendar days of the District's receipt of OCR's approval of the revised policies and procedures, the District will provide documentation to OCR to demonstrate that it has formally adopted the OCR-approved policies and procedures; updated its relevant printed publications and on-line publications with the newly adopted policies and brochures (inserts may be used pending reprinting of these publications); and, electronically disseminated the newly adopted policies and procedures to program parents/guardians. This documentation will include at a minimum (i) printouts or a link to all on-line publications containing the newly adopted policies and procedures; (ii) evidence of the electronic dissemination of the policies and procedures to program parents/guardians; and, (iii) if not yet finalized, copies of inserts for printed publications.
- c) By July 31, 2018, the District will provide to OCR a list of all requests for aids, benefits and services made by parents/guardians to ensure that qualified individuals with disabilities had an equal opportunity to participate in the program, which the program received from the date of this agreement through the end of the program in the spring 2018 semester. The District will also provide to OCR: a description of its response to all requests, including whether the request was approved or denied (if the request was modified or denied, the District will explain why); the name(s) and title(s) of all District/program staff who considered the request; a description of the individualized inquiry for considering the request; and, any documentation considered or created as a result of the request.

Action Item 3: Training

By September 30, 2017, the District will provide training to all relevant District/program staff and administrators for all program site locations, regarding its obligations under Section 504 and the ADA to consider and make individualized inquiries into any requests for the provision of aids, benefits and services to ensure that qualified individuals with disabilities have an equal opportunity to participate in the program. The District will discuss and provide copies of the revised policies and procedures developed consistent with Action Item 2 at the training session(s).

Reporting Requirement: By October 15, 2017, the District will provide documentation to OCR documentation demonstrating that it has provided relevant District/program staff and administrators with the training outlined in Action Item 3 above, including the name of the individual(s) providing the training; a list of individuals attending; the date of the training; and, copies of all materials disseminated.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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 Section 504 and its implementing regulation at 34 C.F.R. §§ 104.4(a) and 104.37, and the ADA and its implementing regulation at 28 C.F.R. § 35.130(a). Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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.

This Agreement will become effective immediately upon the signature of the District's representative below.

7/17/2017

/s/

Date

Passaic Public School District