

RESOLUTION AGREEMENT

New York City Department of Education Case No. 02-17-1353

In order to resolve Case No. 02-17-1353, the New York City Department of Education (the NYCDOE) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the following actions consistent 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. §12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

Action Item 1: Individual Remedies for the Student

By October 30, 2019, the NYCDOE will hold a meeting of persons knowledgeable about the Student to determine whether the group recommends for the Student any compensatory services because during school year 2016-2017, the NYCDOE did not provide the Student with the required amount of the following services required by his Individual Education Program (IEP), effective May 9, 2017: special education teacher support services (SETSS) in his English language arts class twice a week; and SETSS in his math class three times a week. At the same meeting, the group of knowledgeable persons will also determine whether the Student requires any compensatory services because during school year 2016-2017, the NYCDOE may not have provided the Student with the required amount of the following services required by his IEPs, effective February 24, 2016 and May 9, 2017: individual counseling once a week, and speech therapy twice a week. The NYCDOE will invite the complainant to attend this meeting. If the group of knowledgeable persons ultimately recommends compensatory services for the Student, the group will issue a Related Services Authorization (RSA) and/or an authorization for SETSS (P-3 or P-4 letter), or otherwise develop a plan for such compensatory services, to be made available until February 14, 2020.

Reporting Requirements:

- a) By November 15, 2019, the NYCDOE will submit documentation to OCR substantiating that a meeting was held and a determination was made regarding compensatory services consistent with Action Item 1 above. The documentation should include, at a minimum, the names and titles of the participants in the meeting; the information considered; an explanation for decisions made; and a description of and schedule for making compensatory services (if any) available to the Student. OCR will review the documentation to ensure that the NYCDOE 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) If a decision is made to make any compensatory services available to the Student, by March 16, 2020, the NYCDOE will provide documentation to OCR of the dates, times and locations that such compensatory services were made available to the Student, by

