

RESOLUTION AGREEMENT

Newark Public Schools Case No. 02-17-1390

In order to resolve Case No. 02-17-1390, Newark Public Schools (the District) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d et seq., and its implementing regulation at 34 C.F.R. Part 100; 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.

This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District.

Action Item 1: Support for the Student for Statewide Testing

The District asserts that the Saturday Program is no longer grade appropriate for the Student and instead, agrees to provide the Student with 10 (ten) hours of one-to-one tutoring. By December 15, 2019, the District will provide a written offer to the complainant to provide the Student with 10 (ten) hours of one-to-one tutoring. The District will allow the complainant a minimum of five business days to respond to the offer. The District will develop a schedule for providing the tutoring to the Student; with a completion date for providing the tutoring not to extend beyond June 30, 2020.

Reporting Requirements:

- a) By December 31, 2019, the District will provide to OCR documentation of its compliance with Action Item 1 regarding extending the written offer of tutoring.
- b) By July 31, 2020, the District will provide documentation to OCR of the dates, times, and locations that any tutoring was provided to the Student and the name(s) of the tutor(s).

Action Item 2: Training

The District asserts that it has delivered a training program to all District employees responsible for selecting students for the Saturday Program, which discussed in detail the District's policies and procedures for selecting students for the Saturday Program; and, explained explicitly that the District may not consider students' race or disability in considering their participation in the Saturday Program. By December 31, 2019, the District will provide documentation to OCR supporting that the training was provided.

Reporting Requirements:

- a) By December 31, 2019, the District will submit to OCR documentation demonstrating that the training referenced in Action Item 2 has been provided. This documentation will include a list of attendees and their titles; a description of the delivered training content; a copy of any training materials used or disseminated during the training; and, the presenters’ credentials for conducting the training.

- b) By June 15, 2020, the District will submit to OCR (a) the names, race/national origin, and disability status of each student whom the District selected to participate in the Saturday Program during school year 2019-2020; (b) the names, race/national origin, and disability status of each student who requested to participate in the Saturday Program during school year 2019-2020 but was not selected, and an explanation as to why the student was not selected; and, (c) documentation of the District’s selection process/criteria with respect to each student who was and was not selected to participate in the Saturday Program during school year 2019-2020.

The District understands that by signing this resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the District understands that during the monitoring of the resolution 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 and obligations of the resolution agreement. Upon the District’s satisfaction of the commitments made under the resolution agreement, OCR will close this case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will 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.

11/26/2019
Date

/s/
President of the Board of Education
Newark Public Schools