

RESOLUTION AGREEMENT

Yonkers Public Schools

Case No. 02-18-1014

In order to resolve Case No. 02-18-1014, the Yonkers Public Schools (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: Individual Remedies for the Student

By June 30, 2018, the District will send a letter to the complainant offering her an opportunity to register and enroll the Student in the District's kindergarten program (the program) for school year 2018-2019. If the Student is registered/enrolled the District will convene a meeting of a group of persons knowledgeable about the Student within thirty calendar (30) days of the Student's registration/enrollment to consider the Student's need for regular or special education and related aids and services, including medical services, that are designed to meet the Student's individual needs for participation in kindergarten as adequately as the needs of non-disabled students are met; and, based upon adherence to procedures that satisfy the requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36. The District will invite the complainant to attend this meeting and to provide whatever documentation the complainant has to support the Student's need for regular or special education and related aids and services. If warranted, the District will develop a plan to address the Student's individual educational needs, including medical and/or other needs for participating in the kindergarten program, taking into account information from a variety of sources consistent with 34 C.F.R. § 104.35, including whatever information the complainant provides. The District will provide to the complainant information in writing regarding procedural safeguards.

Reporting Requirements:

- a) By July 16, 2018, the District will provide to OCR a copy of the letter sent to the complainant consistent with Action Item 1 above.
- b) Within 30 days after the meeting described in Action Item 1, the District will submit to OCR an explanation for decisions made regarding the Student, including any related aids or services, such as medical services, the Student requires in order to meet the Student's individual needs for participation in kindergarten; and documentation of provision to the complainant of information in writing regarding her procedural safeguards. OCR will review the documentation submitted to ensure that the District's determination is consistent with the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36.

Action Item 2: Training

Within sixty (60) days of the commencement of school year 2018-2019, the District will train District staff members and administrators who are responsible for enrolling/registering students for admission to the pre-kindergarten program, and District Health Services staff members, regarding the requirements of Section 504, at 34 C.F.R. § 104.38 and the ADA, at 28 C.F.R. § 35.130, with respect to the enrollment of students with disabilities in pre-kindergarten programs.

If the Student returns to the District, prior to or on the day of the Student's return, the xxxxxxxxx of the District will provide training to all school staff members and administrators who are responsible for providing/ensuring the provision of the Student's related aids and services, including medical services, as determined by the group of knowledgeable persons, to ensure that these staff members and administrators are aware of how to implement these aids and services.

Reporting Requirement:

- a) Within thirty (30) days of the training for District staff members and administrators who are responsible for enrolling/registering students for admission to the pre-kindergarten program, and District Health Services staff members, the District will submit documentation to OCR demonstrating that the District provided training to these individuals in accordance with Action Item 2 above; including the name and credentials of the trainer, the date(s) of the training, a description of the material covered, copies of any training materials distributed, and proof of attendance by relevant District staff.
- b) Within thirty (30) days of the training for the school staff members and administrators responsible for providing/ensuring the provision of the Student's related aids and services, including medical services, the District will submit documentation to OCR demonstrating that the District provided training to these individuals in accordance with Action Item 2 above; including the date(s) of the training, a description of the material covered, copies of any training materials distributed, and proof of attendance by relevant District staff.

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, 104.34, 104.35, 104.36 and 104.38, and the ADA and its implementing regulation at 28 C.F.R. § 35.130. Upon completion of the obligations under this Agreement, OCR shall close 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.

6-12-18
Date

/s/
Dr. Luis Rodriguez
Assistant Superintendent, Special Education and
Pupil Support Services
Yonkers Public Schools