

## **RESOLUTION AGREEMENT**

### **Wallington Public Schools**

#### **Case No. 02-18-1210**

In order to resolve Case No. 02-18-1210, the Wallington 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.

This Agreement does not constitute an admission by the District that it violated Section 504 or the ADA or any regulations OCR enforces.

#### **Action Item 1: Meeting of the Group of Knowledgeable Persons**

- A. By September 30, 2018, the District will convene a meeting of a group of persons knowledgeable about the Student to consider the Student's need for regular or special education and related aids and services, that are designed to meet the Student's individual needs for participation in school 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 any documentation she wishes the group to consider 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, taking into account information from a variety of sources consistent with 34 C.F.R. § 104.35, including whatever information the complainant may provide. Nothing within this Agreement shall be construed as expressing or implying that the District is required to find that the Student is either eligible for a Section 504 Plan, or that the District is required to provide the Student with a Section 504 Plan. The District will ensure that the complainant is provided with information with respect to her rights regarding identification, evaluation, classification, the development of an Individualized Education Plan, placement and the provision of a free, appropriate public education, consistent with the regulation implementing Section 504 at 34 C.F.R. § 104.36.
- B. If the group of knowledgeable persons develops a plan to address the Student's individual educational needs, the group will determine whether the Student needs compensatory and/or remedial services as a result of the fact that the District did not reevaluate and update the Student's 504 Plan during school year 2017-2018. If the group determines that the Student needs compensatory and/or remedial services, the group will develop a plan for providing compensatory and/or remedial services, with a completion date not to extend beyond December 31, 2018.
- C. By October 30, 2018, the District will notify the complainant in writing of the results of the meeting of the group of knowledgeable persons, including the plan for any compensatory

and/or remedial services. The District will provide to the complainant information in writing regarding procedural safeguards.

**Reporting Requirements:**

- a. By October 30, 2018, the District will provide documentation to OCR regarding its determination pursuant to Action Item 1(A), including an explanation of its decision and supporting documentation. 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.
- b. By October 30, 2018, the District will provide documentation to OCR regarding its determination pursuant to Action Item 1(B), including an explanation of its decision and supporting documentation.
- c. By October 30, 2018, the District will provide to OCR a copy of the notification required by Action Item 1(C).
- d. If the group of knowledgeable persons determines during the meeting pursuant to Action Item 1(B) that the Student needs compensatory and/or remedial services, by January 15, 2019, the District will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided; a description of what was provided and how it was provided; and the names, titles, and contact information (telephone numbers and email addresses) of the service providers.

**Action Item 2: Training**

By October 30, 2018, the District will provide training to all principals and vice principals, guidance counselors and New Jersey Department of Education certificated members of the Child Study Team, regarding, at a minimum, the requirements of the regulations implementing Section 504 and the ADA with respect to the periodic reevaluation of students who have been provided special education and related services, whether through 504 Plans or Individualized Education Programs.

**Reporting Requirements:** By November 15, 2018, the District will provide documentation to OCR demonstrating that training was provided in accordance with Action Item 2 above, including: (a) the name(s) and credentials 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.

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. Upon the District's satisfaction of the commitments made under this Agreement, OCR will 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 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.

8/28/2018  
Date

/s/  
James L. Albro  
Superintendent  
Wallington Public Schools