

RESOLUTION AGREEMENT

Howell Township Public Schools Case No. 02-18-1337

In order to resolve Case No. 02-18-1337, the Howell Township Public Schools (the District) 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. Sections 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

This Resolution Agreement has been entered into voluntarily by the District prior to OCR investigation and does not constitute an admission by the District that it is not in compliance with Section 504 and/or the ADA.

Action Item 1: Policies, Procedures, and/or Practices

Beginning with school year 2018-2019, the Memorial School (the School) will revise its policies, procedures, and/or practices to ensure that students with disabilities are afforded an equal opportunity to attend field trips with their non-disabled peers, to the maximum extent appropriate to the needs of each individual student with a disability, unless a separate field trip is determined to be necessary to meet the individual educational needs of a student with a disability as adequately as the needs of a non-disabled student are met, and the decision is based upon adherence to procedures that satisfy the requirements of Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36.¹

Reporting Requirement:

- a. By August 1, 2018, the District will provide to OCR a copy of the School's proposed revised written policies and procedures, and/or a description of its practices for field trips, for OCR's review and approval.
- b. Within thirty (30) days of receiving OCR's approval regarding the revised policies, procedures, the District/School will adopt the policies, procedures, and/or practices. By September 30, 2018, the District will provide notice to School students, parents, and staff. By October 15, 2018, the District will provide OCR with any documentation of the School's adoption of the policies, procedures, and/or practices, including a description of how students, parents, and staff were provided notice of the revised policies, procedures, and/or practices.
- c. By August 1, 2019, the District will provide to OCR a list of all field trips at the School for school year 2018-2019, including (i) the date of the trip, (ii) the name/location of the venue, and (iii) a description of the students who attended the field trip, including whether students with disabilities attended (e.g., "all students,"

¹ Under the ADA, at 28 C.F.R. §35.171(a)(3), OCR uses its Section 504 procedures to investigate ADA complaints.

“all students in the second grade,” “all special education students in the second grade”). If the District/School determined that separate field trips were necessary to meet the individual educational needs of students with disabilities, the District will submit to OCR documentation that the decision was made by a group of knowledgeable persons (e.g., meeting sign-in sheet, parent call log, IEP, etc.).

Action Item 2: Training

By September 30, 2018, the District will provide training to relevant School staff members, including teachers, and administrators responsible for scheduling or arranging field trips, regarding its approved revised policies, procedures and/or practices as per Action Item 1, and the requirements of Section 504 and the ADA, with respect to ensuring that students with disabilities are afforded an equal opportunity to participate in field trips with their non-disabled peers.

Reporting Requirement:

By October 15, 2018, the District will submit documentation to OCR demonstrating that the District provided training in accordance with Action Item 2 above, including the name and credentials of the trainer; the date(s) of the training; the agenda and/or a short summary of the material covered; copies of any training materials distributed; and, a list of attendees, by name, title, and grade level, if applicable.

The District understands that by signing this Agreement, it agrees to provide data and other 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.

7/25/2018
Date

/s/
Joseph Isola
Superintendent of Schools
Howell Township Public Schools