

RESOLUTION AGREEMENT

Cayuga-Onondaga Board of Cooperative Educational Services Case No. 02-19-1135

In order to resolve Case No. 02-19-1135, the Cayuga-Onondaga Board of Cooperative Educational Services (BOCES) 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 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: Training on Complaint Investigations

By November 1, 2019, BOCES will provide training to all administrators and staff members who are responsible for receiving, processing, investigating, adjudicating and/or resolving complaints of discrimination on the basis of disability in violation of Section 504/the ADA. Specifically, the training will include, at a minimum: (a) BOCES's obligations under Section 504 and the ADA; (b) the types of conduct that might constitute discrimination; (c) BOCES's most recent policies and procedures prohibiting discrimination on the basis of disability; (d) BOCES's obligation regarding investigation of complaints; and, (e) how to conduct adequate, reliable, and impartial investigations. During the trainings, BOCES will provide copies of its Section 504/ADA grievance procedures to all attendees or refer them to BOCES's website where such material may be found.

Reporting Requirements:

- a) By December 1, 2019, BOCES will provide documentation to OCR demonstrating that it provided training in accordance with the Action Item above. The documentation will include, at a minimum, the name(s) and credentials of the trainer(s); the date(s) and time(s) of the training(s); the names and positions/titles of staff in attendance; confirmation of whether all relevant employees have been trained (and if not, how many remain); and, copies of any training materials distributed.
- b) By July 31, 2020, BOCES will submit documentation to OCR of BOCES's responses to complaints of discrimination on the basis of disability made during school year 2019-2020. The documentation will include, at a minimum: (a) the date the complaint was filed; (b) names of complainants and respondents or unique identifiers in lieu of names (i.e., "Student 1," "teacher 1," etc.); (c) the conduct alleged; (d) information about the individual(s) who received and processed the complaints; (e) interim measures provided, if any; (f) the status of the file at the time of submission to OCR, e.g., the investigation is ongoing, the investigation is suspended due to a request from law enforcement, or BOCES is assessing discipline to be imposed; (g) the outcome of all completed investigations, and the date that the parties were notified of the outcome; and, (h) the outcome of any disciplinary matters related to the investigations or other remedial measures taken.

BOCES 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, BOCES understands that during the monitoring of the resolution agreement, if necessary, OCR may visit BOCES, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether BOCES has fulfilled the terms and obligations of the resolution agreement. Upon BOCES' satisfaction of the commitments made under the resolution agreement, OCR will close this case.

BOCES 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 BOCES 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 BOCES' representative below.

6/13/19
Date

/s/
Authorized Representative
Cayuga-Onondaga Board of Cooperative Educational Services