

RESOLUTION AGREEMENT

New Brunswick Public Schools Case Nos. 02-19-1238 and 02-19-1433

In order to resolve Case Nos. 02-19-1238 and 02-19-1433, the New Brunswick 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. §12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

Action Item 1: Individual Remedies for the Student

By March 1, 2020, the District will convene a group of persons knowledgeable about the Student, such as the Section 504 Committee, to determine whether the Student requires any remedial and/or compensatory services related to the provision of class notes to the Student for math, English, and driver's education, from September 2018 to March 2019; or, access to the Student's XXXXXXXXXXXXX during driver's education class. The District will invite the complainant to attend this meeting. If the group of knowledgeable persons determines that the Student requires remedial and/or compensatory services, the group will develop a plan for providing such services, with a completion date for providing the services not to extend beyond May 30, 2020.

Reporting Requirements:

- a) By March 15, 2020, the District will submit documentation to OCR substantiating that a meeting was held consistent with Action Item 1 above, and the group's decision regarding whether the Student requires any remedial and/or compensatory services. The documentation should include, at a minimum, the names and titles of the participants in the meeting; the information considered; an explanation for decisions made; and, a description of and schedule for providing remedial and/or compensatory services (if any) to the Student. OCR will review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.
- b) By June 15, 2020, the District will provide documentation to OCR of the dates, times and locations that any remedial and/or compensatory services were provided to the Student consistent with the plan developed in accordance with Action Item 1; including, a description of the services provided and the name(s) of the service provider(s).

Action Item 2: Training

By June 30, 2020, the District will provide training to relevant staff members and administrators who were responsible for developing and implementing the Student’s Section 504 Plan during school year 2018-2019, regarding the requirements of Section 504 with respect to providing a free appropriate public education and ensuring the implementation of the provisions of Section 504 plans or individualized education plans (IEPs) deemed appropriate by a group of knowledgeable persons, such the Section 504 Committee or Child Study Team. The training will additionally emphasize the importance of documenting the provision of related aids and services during the implementation of Section 504 plan or an IEP.

Reporting Requirement: By July 31, 2020, the District will submit documentation to OCR demonstrating that the District provided training in accordance with Action Item 2 above, including the name(s) and credentials of the trainer(s); the date(s) of the training; a short summary 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 resolution agreement (the 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 and obligations of this Agreement. Upon the District’s satisfaction of the commitments made under this Agreement, OCR will close these cases.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this 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.

2/21/2020

Date

/s/ Kathy D. Antoine-Smith

Authorized Representative
New Brunswick Public Schools