

RESOLUTION AGREEMENT

Yonkers Public Schools Case No. 02-19-1302

In order to resolve Case No. 02-19-1302, 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 December 30, 2019, the District will convene a group of knowledgeable persons, such as the Committee on Special Education (CSE), to determine whether the student on whose behalf the complaint was filed (the Student) requires any remedial and/or compensatory services because of the delay in completing the Student's evaluation and placement for special education and related aids and services during school year 2018-2019. 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 June 30, 2020.

Reporting Requirements:

- a) By January 31, 2020, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting(s) referenced in Action Item 1 above; including but not limited to an explanation for decisions made regarding remedial and/or compensatory services, and a description of and schedule for providing remedial and/or compensatory services, if any, to the Student. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36, in making these determinations.
- b) By July 15, 2020, the District will provide documentation to OCR demonstrating that it has provided the Student with any remedial and/or compensatory services deemed necessary. The documentation will include the dates and times that the services were provided, a description of the services provided, and the name(s) of the service provider(s).

Action Item 2: Training

By December 30, 2019, the District will provide training to all staff members and administrators responsible for completing special education evaluations and convening CSE meetings regarding the District's obligation to timely evaluate students to determine whether they need special education and related aids and services, and to place them, if appropriate, as set forth in Section

504, at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36. The training will include a review of the District’s policies, procedures, and practices.

Reporting Requirement: By January 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 and credentials of the trainer(s); the date(s) of the training; the agenda and/or a summary of the material covered; copies of any training materials distributed; and, a list of attendees, by name and title.

The District 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, the District understands that during the monitoring of the resolution 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 the resolution agreement. Upon the District’s satisfaction of the commitments made under the resolution agreement, OCR will close this case.

The District 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 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.

10/28/2019
Date

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