

RESOLUTION AGREEMENT

Bayonne School District Case Nos. 02-19-1361 and 02-19-1463

In order to resolve Case Nos. 02-19-1361 and 02-19-1463, the Bayonne School District (the District) 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 1: Individualized Determinations

By January 15, 2020, the District will convene a group of knowledgeable persons, such as the Committee on Special Education (CSE), for each student with a disability in a self-contained classroom at the District's Woodrow Wilson Community School (the School), including each student in the District's Autism Program (the program), to determine whether and how each such student should participate in extracurricular and other non-academic services and activities offered to nondisabled students at the School, including but not limited to field trips; with the goal of providing these students an equal opportunity for participation in such services and activities. The District will ensure that each determination is made in accordance with the requirements set forth in the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35(c) and 104.37.

Reporting Requirements:

- a) By February 1, 2020, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meetings referenced in Action Item 1 above. The documentation shall include, at a minimum, the names and titles of the meeting participants; the information considered; an explanation for decisions made; and, a copy of the student's Individualized Education Program (IEP). OCR will review the documentation to ensure that the District satisfied the requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35(c) and 104.37, in making the determinations.
- b) By July 31, 2020, the District will submit a list to OCR of all of the School's non-academic and extracurricular services and activities offered to students in grades K-8 during school year 2019-2020, including but not limited to field trips. For each non-academic and extracurricular service or activity, the District will provide a description of the service or activity; the date for the service or activity; a list of which students in self-contained classes did and did not participate in each service or activity; and, the reason(s) why students did not participate.

Action Item 2: Training

By February 15, 2020, the District will provide training to relevant staff and administrators at the School regarding the District’s obligation under the regulation implementing Section 504, at 34 C.F.R. § 107.37, to ensure that disabled students are afforded an equal opportunity for participation in non-academic and extracurricular activities, including field trips; and, that decisions about a disabled student’s eligibility to participate in such non-academic and extracurricular activities are made by a group of persons knowledgeable about the student and the meaning of all evaluation data and all placement options. Additionally, the training will cover the prohibitions against discrimination outlined in the regulation generally.

Reporting Requirement: By March 1, 2020, the District will provide documentation to OCR demonstrating that the training referenced in Action Item 2 was provided to all relevant School staff. This documentation will include, but will not be limited to, 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 and/or a description of the issues addressed during the training.

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.

12/19/19
Date

/s/
Authorized Representative
Bayonne School District