

RESOLUTION AGREEMENT

West Orange Public Schools Case No. 02-19-1467

In order to resolve Case No. 02-19-1467, the West Orange 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. § 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.

This Resolution Agreement has been entered into voluntarily by the District prior to an 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:

By December 31, 2019, the District will convene a meeting of a group of persons knowledgeable about the student on whose behalf the complaint was filed (the Student), such as the Section 504 team, to determine what supports, if any, the Student needs as a result of his disabilities, in order to participate in field trips and extracurricular activities during school year 2019-2020.

Reporting Requirement: By January 15, 2020, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referenced in Action Item 1 above, including but not limited to an explanation for the decision made regarding what supports, if any, the Student needs as a result of his disabilities, in order to participate in field trips and extracurricular activities during school year 2019-2020.

Action Item 2:

By February 15, 2020, the District will review, and revise, if necessary, 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, consistent with the requirements of Section 504 and the ADA.

Reporting Requirements:

- a. By March 1, 2020, the District will notify OCR regarding whether it will revise its policies and procedures, and/or practices regarding field trips as it specifically pertains to reasonably accommodating students with disabilities. If the District elects not to revise such policies, procedures and/or practices, it will provide the reason(s) for the decision. If the District elects to revise such policies, procedures and/or practices, it will provide to OCR a copy of any revised District policies and procedures, and/or practices regarding field trips for OCR's review and approval.

- b. For any such policies, procedures, and/or practices that the District proposes to revise, in accordance with subparagraph (a), within thirty (30) days of receiving OCR's approval, the District will adopt the revised policies, procedures, and/or practices. By April 15, 2020, the District will provide to OCR documentation of the District's adoption of any revised 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.

Action Item 3:

By May 15, 2020, the District will provide training to relevant staff members and administrators at Liberty Middle School, regarding any revised policies, procedures and/or practices, 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, consistent with Action Item 2.

Reporting Requirement:

By May 30, 2020, the District will submit documentation to OCR demonstrating that the District provided training in accordance with Action Item 3 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.

12/17/19
Date

/s/
Dr. J. Scott Cascone
Superintendent of Schools
West Orange Public Schools