

## **VOLUNTARY RESOLUTION AGREEMENT**

### **New York City Department of Education Case No. 02-20-1048**

In order to resolve Case No. 02-20-1048, the New York City Department of Education (NYCDOE) 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.

#### **Action Item 1: Training**

By September 25, 2020, the NYCDOE will provide training to covered staff, i.e., staff members at the NYCDOE's Community District 7 Health Opportunities High School (the School), located in the X884 school building, who during the 2019-2020 school year, were responsible for implementing the School's fire safety and/or evacuation procedures, including the specific individuals primarily assigned to evacuate students. The training, which may be completed by each covered staff member's reviewing electronic training material (e.g., slide deck) individually, will emphasize the importance of conducting fire safety and/or evacuation procedures in a manner that ensures that students with disabilities are evacuated consistent with their individual needs as outlined in their Individualized Education Programs (IEPs), Section 504 Plans, and/or the School Safety Plan; and that students with disabilities are not treated differently from students without disabilities regarding evacuation, except as necessary to meet their individual needs.

**Reporting Requirement:** On or before November 15, 2020, the NYCDOE will submit documentation to OCR demonstrating that the NYCDOE provided training in accordance with Action Item 1 above, including the name(s) and credentials of the trainer(s) who developed the training material; a short summary of the material covered; copies of any training material distributed; and, proof of completion by covered staff, including the date(s) of completion.

#### **Action Item 2: Evacuation Drills Conducted**

During the 2020-2021 school year, the NYCDOE will ensure that the School's students with disabilities, if any, are not treated differently from the School's students without disabilities regarding evacuation, except as necessary to meet their individual needs as outlined in their IEPs, Section 504 Plans, and/or the School Safety Plan.

**Reporting Requirement:** By February 15, 2021, the NYCDOE will provide documentation to OCR describing any evacuation drills held at the School from September 7, 2020 to December 31, 2020. The description will include: the dates that the drills were conducted; the number of students with disabilities listed on the 2020-2021 School Safety Plan as Special Needs Students who require accommodation in evacuation and who participated in the drills; the specific locations to which those students were moved during

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the evacuation drills; the reason(s) for the chosen evacuation location(s) if different from the locations for students without disabilities; and written confirmation that no students with disabilities in the School who are not listed on the 2020-2021 School Safety Plan as Special Needs Students were treated differently from students without disabilities regarding how they were evacuated during the drills.

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

The NYCDOE 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 NYCDOE 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 NYCDOE's representative below.

June 2, 2020

\_\_\_\_\_  
Date

/s/

\_\_\_\_\_  
Authorized Representative  
New York City Department of Education