

RESOLUTION AGREEMENT

New York City Department of Education Case No. 02-20-1109

In order to resolve Case No. 02-20-1109, 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 pursuant to 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 I – Accessibility

The NYCDOE has elected to make each program or activity, when viewed in its entirety, that is conducted in the building that houses the Compass Charter School (School 1), P.S. 372 the Children’s School (School 2), and M.S. 113 Ronald Edmonds Learning Center (School 3), collectively referred to as “the Building,” readily accessible to individuals with disabilities at Schools 2 and 3, and to the extent the NYCDOE has control to ensure such accessibility, at School 1. Within 90 days of the signing of this agreement, the K113 Building Council will develop a written plan (the Plan) demonstrating how it will make each program or activity, when viewed in its entirety, conducted within the Building at Schools 2 and 3, and to the extent it has control to do so, each program or activity, when viewed in its entirety, that is conducted within the Building at School 1, readily accessible to individuals with disabilities. The Plan will include how to address elevator outages. If there are any anticipated delays to this timeframe due to the COVID-19 pandemic, NYCDOE will work with OCR on a mutually agreeable extension.

If the NYCDOE determines that it also needs to make structural changes/alterations to ensure accessibility, within 90 days of signing this agreement, the NYCDOE will develop a written plan outlining the structural changes/alterations it will make, with anticipated dates of completion. Any structural changes/alterations must comply with the 2010 Americans with Disabilities Act Standards for Accessible Design. OCR will schedule an on-site visit once the plan has been finalized and any structural changes/alterations are completed to ensure that the plan and/or any structural changes/alterations result in compliance with the regulations implementing Section 504 and the ADA. If there are any anticipated delays to these timeframes due to the COVID-19 pandemic, NYCDOE will work with OCR on a mutually agreeable extension.

By November 30, 2020, the NYCDOE will provide information to staff working in the Building and parents of students in the Building describing how individuals with disabilities may generally access the Building; how such individuals may request accommodations for accessing programs and activities in the Building; and the Plan. The NYCDOE may provide this information in the manner it typically provides similar notices about the Building to parents, students, and staff of the NYCDOE and non-NYCDOE schools.

Reporting Requirements:

- a) Within 90 days of the signing of this agreement, or at a later date mutually agreed upon by the NYCDOE and OCR if otherwise delayed by the COVID-19 pandemic, the NYCDOE will provide to OCR the Plan developed consistent with the first paragraph of Action Item I above. The Plan will indicate, for Schools 2 and 3, which programs and activities are located on each level within the Building and how the Plan will ensure that each of these programs and activities, when each is viewed in its entirety, is made readily accessible to individuals with disabilities as a result of the Plan. The NYCDOE will make reasonable efforts to secure and provide the same information from administrators at School 1. The Plan will also include the identification of NYCDOE office(s) and/or staff responsible for implementing the Plan; the timeline(s) established for the identified NYCDOE office(s) and/or staff to respond and, if appropriate, take action after receiving notice of an accessibility concern at the Building; as well as proof of the dissemination of the information described in the third paragraph of Action Item I. If the NYCDOE elects to make structural changes/alterations to ensure accessibility, the NYCDOE's written plan to OCR will outline the structural changes/alterations it will make, with anticipated dates of completion, and how such changes/alterations will make the Building accessible to and usable by individuals with disabilities.
- b) If the NYCDOE elects to make structural changes/alterations to ensure accessibility, then by July 30, 2021, the NYCDOE will provide documentation to OCR (e.g., copies of paid invoices, photographs, etc.) confirming completion of each structural change/alteration referenced in Reporting Requirement (a), above. If there are any anticipated delays to this timeframe due to the COVID-19 pandemic, NYCDOE will work with OCR on a mutually agreeable extension.
- c) By September 30, 2021, the NYCDOE will provide to OCR a list of dates of any elevator outages during school year 2020-2021, and an explanation of any action taken pursuant to the Plan developed consistent with Action Item I.

Action Item II – Training

By December 30, 2020, the NYCDOE shall provide training as set forth in this paragraph to administrators of Schools 2 and 3, and ensure such training is made available to administrators of School 1. The training, which may be completed as a group, individually, in person, and/or remotely, will cover the NYCDOE's Chancellor's Regulation A-830 and anti-discrimination policy; current accessibility information for the Building; the Plan developed pursuant to Action Item I; and the contact information of NYCDOE office(s) and/or staff who may assist with the implementation of such Plan.

Reporting Requirement: By January 15, 2021, NYCDOE will provide documentation to OCR demonstrating that the NYCDOE provided training in accordance with Action Item II, including the date(s) of the training; the name(s) and credentials of the trainer(s); copies of

any training materials distributed; the agenda and/or a short summary of the material covered; and a list of attendees, by name and title.

The NYCDOE 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 NYCDOE understands that during the monitoring of the resolution 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 the resolution agreement. Upon the NYCDOE’s satisfaction of the commitments made under the resolution 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 resolution agreement will become effective immediately upon the signature of the NYCDOE’s representative below.

8/19/2020
Date

/s/
Authorized Representative
New York City Department of Education