

## **RESOLUTION AGREEMENT**

### **Absecon Public Schools Case No. 02-20-1128**

In order to resolve Case No. 02-20-1128, the Absecon Public School District (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: Individualized Determination for the Student**

By June 30, 2020, the District will convene a group of knowledgeable persons, such as the Child Study Team (CST), to determine if the Student needs, as a result of his disabilities, transportation services provided by the District to and from the H.A. Marsh Elementary School (the School). The District will invite the Student's parent/guardian to attend this meeting. If the group of knowledgeable persons determines that the Student is entitled to transportation services, the group also will consider whether the Student requires any compensatory services resulting from the lack of transportation services in school year 2019-2020, and will develop a plan for providing any compensatory services, with a completion date for providing the compensatory services not to extend beyond December 15, 2020. The District will ensure that the determination is made in accordance with the requirements set forth in the regulation implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, and 104.35.

#### **Reporting Requirements:**

- a) By July 15, 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. The documentation shall include, but is not limited to, the names and titles of the meeting participants; the information considered; an explanation for the decision made regarding whether the Student requires transportation services to and from the School, as a result of his disabilities; and if applicable, any decision made regarding compensatory services, and a description of, and schedule for, providing compensatory services 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, and 104.35 in making these determinations.
- b) By January 15, 2021, if applicable, the District will provide documentation to OCR demonstrating that it has provided the Student with the compensatory services deemed necessary. The documentation will include the dates, times, and locations of the services provided; a description of the services provided; and the name(s) of the service provider(s).

**Action Item 2: Training**

By July 31, 2020, the District will provide training to the staff members and administrators who are responsible for participating in all/most CST meetings regarding the District’s obligation under Section 504 to ensure that, in making decisions about a disabled student’s placement and/or related aids and services, including transportation services, the regulation implementing Section 504, at 34 C.F.R. §104.35(c), requires a recipient to draw upon information from a variety of sources (which may include parents), ensure that such information is documented and carefully considered, and ensure that decisions are made by a group of persons knowledgeable about the child and the meaning of evaluation data.

**Reporting Requirement:** By August 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.

6/1/2020

/s/

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dr. Daniel J. Dooley  
Superintendent  
Absecon Public School District