

VOLUNTARY RESOLUTION AGREEMENT

New Brunswick School District Case No. 02-22-1137

To resolve Case No. 02-22-1137, the New Brunswick School District (District 1) 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. Section 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

Action Item 1: Individual Remedy for the Student

By October 30, 2022, District 1 will either make arrangements with the Student's current school district (District 2) for the Student to receive eight hours of compensatory occupational therapy (OT) or make arrangements directly with the Complainant to have a private provider deliver the eight hours of compensatory OT to the Student. District 1 will obtain the Complainant's input in the scheduling of compensatory OT.

Reporting Requirements:

- (a) By October 30, 2022, District 1 will submit documentation to OCR demonstrating that it has entered into an agreement with District 2 to provide eight hours of compensatory OT to the Student, or that it has made arrangements with the Complainant to have a private provider deliver eight hours of compensatory OT to the Student. The documentation will include, at a minimum, the names and job titles of the individuals responsible for ensuring that the Student receives the eight hours of compensatory OT; a schedule for providing the compensatory OT to the Student; and a description of the services to be provided.
- (b) By January 1, 2023, District 1 will provide documentation to OCR demonstrating that it provided eight hours of compensatory OT to the Student. The documentation will include, at a minimum, the name(s), job titles, and credentials of the OT service provider(s); a description of the services provided; and the dates and times when, and locations at which the Student received compensatory OT.

Action Item 2: Training

By September 30, 2022, District 1 will provide training to relevant District 1-contracted providers and District 1 staff members and administrators currently employed by the District who were responsible for providing OT to the Student; and developing, implementing, and monitoring the Student's individualized education program (IEP) during school years 2019-2020, 2020-2021, and 2021-2022, regarding the requirements of Section 504 and Title II and District 1's obligation to ensure that compensatory services are provided in a timely manner.

Reporting Requirement: By October 15, 2022, District 1 will submit documentation to OCR demonstrating that District 1 provided training in accordance with Action Item 2. The documentation will include, at a minimum, the name(s) and credentials of the individual(s) providing the training(s); the agenda and/or a summary of the material covered; the date(s) of the training; copies of all training materials distributed; and, the names and titles of the attendees.

OCR Monitoring

District 1 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, District 1 understands that during the monitoring of this Agreement, if necessary, OCR may visit District 1, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether District 1 has fulfilled the terms and obligations of this Agreement.

District 1 understands that OCR will not close the monitoring of this resolution agreement until OCR determines that District 1 has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and its implementing regulations at 34 C.F.R. Part 104, and Title II and its implementing regulation at 28 C.F.R. Part 35, which were at issue in this case.

District 1 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 provide District 1 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 District 1's representative below.

8/4/2022

Date

/s/

Authorized Representative
New Brunswick Public Schools