

## **VOLUNTARY RESOLUTION AGREEMENT**

### **New York City Department of Education Case No. 02-22-1338**

In order to resolve Case No. 02-22-1338, 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 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 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

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

By October 31, 2022, the NYCDOE will provide a written reminder to the Principal and the 12:1:1 special education teacher(s) for grades 4 and 5 during school years 2021-2022 and 2022-2023 at P.S. 017 Henry D. Woodworth (the School), and any other School staff who are responsible for processing and overseeing the review of student permission slips for field trips, regarding the NYCDOE's obligations and the prohibitions against discrimination and retaliation under Section 504 and Title II, and their implementing regulations. Specifically, the reminder will cover, at a minimum, the NYCDOE's obligation to ensure that students are not subjected to discrimination and/or retaliation and/or excluded from participation in or denied the benefits of the NYCDOE's programs and activities (including participation in field trips); and the School's policy and/or practice concerning the processing of signed student permission slips for field trips.

**Reporting Requirement:** By November 15, 2022, the NYCDOE will submit documentation to OCR demonstrating that the NYCDOE provided the written reminder in accordance with the Action Item.

#### **OCR Monitoring:**

The NYCDOE understands that by signing this resolution agreement (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 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 Agreement.

The NYCDOE understands that OCR will not close the monitoring of this Agreement until OCR determines that the NYCDOE has demonstrated compliance with all the terms of this resolution 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 in connection with this case.

The NYCDOE understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will provide 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.

08/16/2022  
Date

\_\_\_\_\_/s/\_\_\_\_\_  
Toni Gantz  
Executive Deputy Counsel  
New York City Department of Education