

VOLUNTARY RESOLUTION AGREEMENT

New York City Department of Education Case No. 02-23-1190

In order to resolve Case No. 02-23-1190, 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 regulations 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 regulations at 28 C.F.R. Part 35.

Action Item 1: Attendance Verification Policies and Procedures

- (A) By September 30, 2023, the NYCDOE will ensure that, in addition to any existing policies and procedures that require NYCDOE staff to make attempts to verify a student's attendance and/or conduct appropriate outreach prior to making a report to the State Central Register (SCR) regarding suspected child neglect, it also has policies and procedures that require that NYCDOE Committee on Special Education (CSE) staff make such attempts and conduct such outreach prior to making a report to the SCR regarding suspected child neglect of students who attend non-public schools for whom CSE staff members may have attendance-related information as part of the special education process.
- (B) By September 30, 2023, the NYCDOE will distribute a written reminder of the policies and procedures to all NYCDOE staff members on the CSE serving District 27.

Reporting Requirements: By October 15, 2023, NYCDOE will provide to OCR a copy of the policies and procedures in accordance with Action Item 1(A) and documentation demonstrating that a written reminder of the policies and procedures was disseminated to all NYCDOE staff identified in Action Item 1(B).

Action Item 2: Training

By November 30, 2023, the NYCDOE will provide training (in-person or virtually, and which may be held asynchronously) to all NYCDOE staff members on the CSE serving District 27 regarding the NYCDOE's obligations and the prohibitions against discrimination and retaliation under Section 504 and Title II, and their implementing regulations. The training will include, at a minimum, the NYCDOE's obligation to ensure that students and/or parents/legal guardians are not subjected to discrimination and/or retaliation with respect to the NYCDOE's compliance with the New York Social Services Law and Chancellor's Regulations A-750 and A-210, which require all NYCDOE personnel to report cases of suspected child abuse or neglect (including educational neglect) to SCR.

Reporting Requirement: By December 15, 2023, the NYCDOE will submit documentation to OCR demonstrating that the training referenced in Action Item 2 was provided. The documentation will identify the person(s) or organizations who provided

the training and include a description of the person’s or organization’s qualifications; indicate the date(s) of the training(s); include a copy of the relevant training materials used or disseminated during the training in accordance with Action Item 2; and include a certification that the individuals specified in Action Item 2 completed the training.

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.

8/4/23

/s/

Date

Toni Gantz, Executive Deputy Counsel
New York City Department of Education