

RESOLUTION AGREEMENT

Lindenhurst Union Free School District Case No. 02-14-1358

In order to resolve the allegation raised in Case No. 02-14-1358, the Lindenhurst Union Free School District (the District) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that 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 (ADA), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, it will take the actions set forth below.

Action Item 1:

By December 31, 2014, the District will ensure that a meeting of a group of persons knowledgeable about the Student, such as the Committee on Special Education (CSE), is convened to determine whether the Student requires compensatory services for the time period that she did not receive counseling services, as required by her IEP, dated May 16, 2013; specifically, from September 23, 2013 through June 5, 2014. If the group of knowledgeable persons determines that the Student requires compensatory services, the group will develop a plan for providing those services, with a completion date for providing the services not to extend beyond June 30, 2015.

Reporting Requirements:

- a) By January 15, 2015, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referred to in Action Item 1, including an explanation for decisions made, and a description of and schedule for providing compensatory services to the Student, if determined necessary.
- b) By July 31, 2015, the District will provide documentation to OCR demonstrating that the Student has been provided with any compensatory services deemed necessary. The documentation will include the dates, times, and locations that services were provided, and the name(s) of the service provider(s).

Action Item 2:

By December 31, 2014, the District will provide training to relevant District personnel regarding the provision of counseling services to students with disabilities, as required by their IEPs or other individualized education programs. The training will include instruction regarding the following: (a) maintaining timely, detailed, and accurate documentation regarding the provision of counseling services to students with disabilities; and, (b) tracking and/or monitoring the provision of counseling services to students with disabilities.

Reporting Requirement: By January 15, 2014, the District will provide documentation to OCR demonstrating that training was provided consistent with Action Item 2 above, including: (a) the name(s) of the individual(s) who conducted the training; (b) a list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; and (d) copies of any training materials disseminated.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §104.33(a-b), and the ADA, at 28 C.F.R. § 35.130(a), which were at issue in this case. The District also understands that by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the District understands that during the monitoring of this 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 of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §104.33(a-b), and the ADA, at 28 C.F.R. § 35.130(a), which were at issue in this case. The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

[/s/ November 14, 2014]

/s/

Date

Daniel E. Giordano
Superintendent
Lindenhurst Union Free School District