

**Resolution Agreement
Nassau County School District
OCR Complaint #04-15-1198**

The U.S. Department of Education (Department), Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint filed against Nassau County School District (District), pursuant to 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, which prohibit discrimination on the basis of disability and retaliation by recipients of Federal financial assistance from the Department; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability and retaliation by public entities. To ensure compliance with the above-referenced laws and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions:

Training:

1. By **August 17, 2015**, and annually thereafter, the District will provide training to current administrative and teaching staff (including the Principal and the Assistant Principal) at XXXXX XXXXXXXXXXXX School (XXXXXX) and XXXX XXXX XXXXXXXXXXXX School (XXXX XXXX), the District's Section 504 Coordinator (Coordinator), and the Coordinators based at XXXXX and XXXX XXXX for mandatory training by OCR regarding (1) the District's Grievance Procedures/Administrative Rules for filing complaints of discrimination on the basis of disability, including FAPE; (2) the Section 504 legal standards concerning provision of FAPE and the District's Section 504 policies and procedures with specific regard to the requirement to provide a FAPE in accordance with the regulation implementing Section 504 at 34 C.F.R. § 104.33(a) and (b); and (3) the prohibition against retaliation against individuals who make a good faith report of disability discrimination.

REPORTING REQUIREMENT:

By **September 30, 2015**, the District will submit to OCR documentation demonstrating the completion of the training for the appropriate District faculty, staff, and administrators. Such documentation shall include: the date(s) of the training session(s); a copy of the agenda for the training; the name, position, and credentials of the trainer(s); and an attendance sheet signed by the participants that indicates their names and titles.

Student-Focused Remedy:

Section 504 Placement Meeting

2. By **August 14, 2015**, after providing proper written notice to the Student's parents, a group of knowledgeable persons, including the Student's parent(s), will convene a

Section 504 team meeting for the Student and make a determination regarding the appropriate placement for the Student for the 2015-2016 school year.

REPORTING REQUIREMENT:

Within 2 weeks of the placement meeting, the District will submit to OCR documentation evidencing the date and time of the meeting, the participants of the meeting, an explanation for any decision(s) made, and the information considered when making the determination.

Compensatory Education Services

3. By **June 15, 2015**, after providing proper written notice to the Student's parents, a group of knowledgeable persons, including the Student's parent(s), will determine (1) whether the Student needs compensatory and/or remedial services as a result of time away from school due to his placement in home instruction during the 2014-2015 school year for behaviors determined to be manifestations of the Student's disability; (2) whether the Student needs compensatory and/or remedial services as a result of the District's failure to provide XXXXXXXXXXXX therapy (XX) services throughout the 2014-2015 school year and (3) whether the Student needs compensatory and/or remedial services as a result of any denial of FAPE during the 2014-2015 school year. If so, within one (1) week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond August 10, 2015. The District will provide the Student's parents notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIREMENTS:

- a. **Within 2 weeks** of the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the name and title of the participants in the meeting, an explanation for decisions made, the information considered, and a description of, and schedule for, the provision of any compensatory, XX, and/or remedial services (if any) to the Student. OCR will, prior to approving the District's decision and plan for providing the proposed services, review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.
- b. After reviewing the proposed services, OCR may question whether the District's determination regarding the provision of compensatory and/or remedial services adequately addresses the failure to provide appropriate services under the Section 504 Plan or IEP (e.g., the IEP team determined that XX XXXXXXXX of XXXXXXXXXXXX therapy would be sufficient to compensate for a failure to provide the required XXX XXXXXXXX). If so, OCR will, prior to approving the District's decision and proposed services, raise such concern with the District and request additional documentation to support the group's educational determination regarding the sufficiency of the prescribed

compensatory and/or remedial services. If applicable, within 2 weeks of OCR's request for additional information, the District will submit to OCR documentation in support of the group's educational determination regarding the sufficiency of the any prescribed compensatory and/or remedial services about which OCR raised concerns.

- c. By **August 10, 2015**, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

The District 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 Section 504 implementing regulations at 34 C.F.R §§ 104.7(b), 104.33 (a) and (b), 104.34 (a), and 104.61, as well as the Title II implementing regulation at 28 C.F.R. §§ 35.107(b), 35.130, and 35.134.

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 Section 504 implementing regulations at 34 C.F.R §§, 104.7(b), 104.33 (a) and (b), 104.34 (a), and 104.61, as well as the Title II implementing regulation at 28 C.F.R. §§ 35.107(b), 35.130, and 35.134, which were at issue with 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.

This Agreement will become effective immediately upon the signature of the District's Superintendent or his/her designee below.

Superintendent or Designee

Date