

Resolution Agreement Reached During an Investigation

New Haven Unified School District

OCR Case Number 09-14-1102

In order to resolve the issues raised under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), and without admitting or conceding any violation of Federal law with respect to the issues raised in the complaint, New Haven Unified School District (District) agrees to implement this agreement.

- I. The District will review and revise as needed its Section 504 policy, procedures (including Section 504 grievance procedures), and related materials (such as Section 504 handbook or resource guide) to ensure compliance with Section 504 and Title II. By February 27, 2015, the District will provide a draft of these Section 504 documents to OCR for review and approval. OCR will provide feedback within 30 days. The Section 504 documents will be adopted in final form by the District within 30 days after OCR approves the draft.

- II. By June 10, 2015, the District will provide documentation to OCR (including sign in sheets and copies of training materials) to show that a person with knowledge of the subject has conducted training to all school site Section 504 coordinators and other appropriate administrators and staff on the District's legal responsibility to provide a free appropriate public education (FAPE) to students with disabilities under Section 504. The training topics will include, but are not limited to:
 - i. how to identify students who need or may need special education and/or related aids and services due to a disability or suspected disability;
 - ii. Section 504 team's obligation to consider a full range of placement and service options for Section 504 students, including in-school counseling if appropriate given the student's individualized needs;
 - iii. the need to conduct an evaluation prior to a significant change in placement; and
 - iv. when to refer students for an assessment under the Individuals with Disabilities Education Act (IDEA), and that requests for an IDEA evaluation will not be denied solely or primarily based on the fact that the student is performing academically at or above grade level.

- III. Within 10 days of signing this agreement, the District will send the complainant a written offer to convene a Section 504 meeting to discuss any concerns with the Student's current placement. If the complainant agrees to the meeting, the District will convene the Section 504 meeting by March 31, 2015.

The District understands that OCR will close the monitoring of this agreement once the District and OCR have agreed to the updated 504 manual, OCR has received a sign in sheet and agenda items for trainings at all sites, and a letter has been sent to the Family by the District.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this agreement in compliance with the regulations implementing Section 504 at 34 C.F.R. §§104.33-104.36 and Title II at 28 C.F.R. §§35.103(a) and 35.130(b)(1)(ii) and (iii), which were at issue in this complaint.

The District understands that by signing this agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this agreement, 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. §§104.33-104.36 and Title II at 28 C.F.R. §§35.103(a) and 35.130(b)(1)(ii) and (iii).

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/_____
Sarah Kappler
Director of Special Services
New Haven Unified School District

Date 02/25/2015