

RESOLUTION AGREEMENT
Suffolk Public Schools
OCR Case No. 11-16-1055

Suffolk Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-1055. This Agreement does not constitute an admission by the Division of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) or any other law enforced by OCR.

1. By June 1, 2016, after providing proper written notice to the Student's parent/guardian, the Division will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the parent/guardian, with the purpose of determining if the Student requires compensatory and/or remedial services and, if so, developing a plan for providing compensatory and/or remedial services to the Student for the time period that the Student did not attend school, from <XXXX>. The group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond January 1, 2017, if appropriate. The Division will provide the Student's parent/guardian with notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

- a. Within one week of the meeting, the Division will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to the Student, the notice of procedural safeguards, the written invitation to the Student's parent/guardian, and a list of meeting attendees. OCR will review the documentation submitted to ensure that the Division met the procedural and other requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations.
 - b. Within 10 calendar days after receiving OCR's approval, the Division will provide the Student's parent/guardian with written notice of the outcome of the meeting, including an explanation for decisions made and a description of and schedule for providing compensatory and/or remedial services (if any) to the Student. The Division will provide a copy of this written notice to OCR.
 - c. By January 15, 2017, if necessary, the Division 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).
2. By September 30, 2016, the Division will provide training on the requirements of Section 504 and Title II to the Division's Section 504 Coordinator, all <XXXX> (the School) administrators and/or staff involved in the identification, evaluation, and/or placement of qualified students with disabilities, as well as any School/Division administrators and/or staff

involved in the investigation of complaints under Section 504 and Title II. The training will emphasize the Division's obligations under Section 504 to identify and evaluate students who need or are believed to need special education and/or related aids and services. The training will also emphasize the Division's obligation to promptly and effectively respond to complaints made under Section 504 and Title II.

Reporting Requirements:

- a. At least 10 days before the proposed training, the Division will provide OCR with the title and qualifications of the trainer, copies of the agenda, and any training materials for OCR's review and approval to ensure that the proposed training satisfies the requirements of Action Item 2.
 - b. Within 10 days after the training, the Division will provide OCR with documentation confirming completion of the required training, including: (a) the date of each training session(s); and (b) a list of names and titles of the Division personnel who participated in each training session.
3. By June 1, 2016, the Division will ensure that its designated Section 504 Coordinator and (if applicable) his/her designee to investigate Section 504/Title II complaints, are current Division employees who are actively working for the Division.

Reporting Requirement:

- a. By June 1, 2016, the Division will provide OCR with documentation evidencing that all materials, including but not limited to the Division's website and student handbook, are updated with the name and/or title, address, telephone number, and email address of the individuals outlined in Action Item 3 above.

The Division understands that OCR will not close the monitoring of this Agreement until OCR determines that the Division has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 and Title II at 34 C.F.R. Part 104 and 28 C.F.R. Part 35.

The Division understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the Division understands that during the monitoring of this Agreement, OCR may visit the Division, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Division has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which was at issue in this case.

The Division 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 Division written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

By: _____/S/_____ Date: _____5/3/2016_____

Dr. Deran R. Whitney
Superintendent