

RESOLUTION AGREEMENT
Union County Public Schools
OCR Case No. 11-17-1102

In order to resolve the allegation raised in U.S. Department of Education, Office for Civil Rights (OCR) Case No. 11-17-1102, Union County Public Schools (the District) assures 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 agrees to fully implement this Resolution Agreement (Agreement).

Action Item A

By, September 30, 2017, the District will develop and provide training to District personnel, including the Office of the Assistant Superintendent for Teaching and Learning as well as XXXX (the School) personnel, including the School's Principal, counseling staff, teachers, nurses, front office staff, special education staff, administrators, and any other personnel responsible for identifying and evaluating students who, because of a disability, need or are believed to need special education and/or related aids and services consistent with the requirements of Section 504 and Title II. The training will emphasize the District's/School's obligations under Section 504 to identify and evaluate students who, because of a disability, need or are believed to need special education and/or related aids and services, and to conduct reevaluations prior to a significant change in placement.

Reporting Requirements:

- a. Within 45 calendar days, the District will submit for OCR's review and approval the proposed training materials as described in Action Item A above. The District will also identify the individual(s) who will conduct the training and their qualifications.
- b. Within 45 calendar days of written notification from OCR of its approval of the training, the District will provide documentation to OCR demonstrating that training was provided consistent with Action Item A 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.

Action Item B

1. By June 2, 2017, the District/School will request permission from the Complainant/the Student's XXXX to evaluate the Student and include consent to evaluate.
2. By June 15, 2017, and if the Complainant/the Student's XXXX provides the District/School with consent to evaluate the Student, the District/School will convene a

group of knowledgeable persons (e.g., a Committee on Special Education, Child Study Team, or Section 504 Team) for the purpose of conducting an evaluation of the Student consistent with the requirements of 34 C.F.R. 104.35(c). In conducting an evaluation of the Student, the District must: review and carefully consider all relevant testing and other evaluative data, to make a determination about whether the Student qualifies for eligibility as a student with a disability under Section 504; document its process and determination, ensuring that the determination conforms with Section 504's definition of disability, and with the other requirements of 34 C.F.R. § 104.35(c) to draw information from a variety of sources, including information from the Complainant/the Student's XXXX; have the decision made by a group of persons knowledgeable about the Student, the evaluation data, and the placement options; and ensure that the information presented at the evaluation is documented and carefully considered.

If the group of knowledgeable persons determines that the Student meets Section 504 eligibility, the group will consider which related aids and services are necessary to ensure that the Student's individual educational needs are met as adequately as the needs of students without disabilities are met, including—if applicable—any compensatory services to address the timeframe during which the District failed to evaluate the Student.

Reporting Requirement:

- a. Within 30 days of requesting consent to evaluate, the District will notify OCR of the response received from the Complainant/the Student's XXXX. The District will provide a copy of the letter sent requesting permission to evaluate the Student and a copy of the response if received.
- b. Within 30 days of conducting an evaluation of the Student as described in Action Item B above, if applicable, the District will submit for OCR's review the notes or minutes of the evaluation and eligibility team meetings, the evaluative data reviewed, and a copy of any completed individualized education program (e.g., IEP, Section 504 Plan, or other plan) developed for the Student.
- c. By December 31, 2017, and if applicable, the District will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided to the Student, a description of what was provided, and the name(s) of the service provider(s).

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 and is in compliance with the regulation implementing Section 504 and Title II, at 28 C.F.R. Part 35 and 34 C.F.R. Part 110.

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 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 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.

By: _____/s/_____ Date: _____05/04/2017_____

Dr. Andrew Houlihan
Superintendent or Designee
Union County Public Schools