

RESOLUTION AGREEMENT
Union County Public Schools
OCR Case No. 11-22-1232

Union County Public Schools (the District) agrees to fully implement this Resolution Agreement to resolve the allegations investigated in Office for Civil Rights (OCR) Case No. 11-22-1232. This Agreement does not constitute an admission by the District of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

Action Item 1 – Policy

The District will create a written policy regarding the distribution of Section 504 plans to teachers and other staff at District schools responsible for the implementation of Section 504 plans, including distribution at the beginning of each school year and following any schedule changes. The policy will include information regarding how and when Section 504 plans will be delivered to teachers and relevant staff; who will be responsible for delivery of Section 504 plans; who will be responsible for oversight of the delivery process; and who will be the District’s point of contact for questions about the policy.

Reporting Requirements:

- a. Within 1 week of the date of this agreement, the District will provide OCR with a copy of the policy for OCR’s review and approval.
- b. Within 1 week of OCR’s review and approval, the District will disseminate the policy to all District teachers and staff responsible for the implementation of Section 504 plans, and all District staff responsible for ensuring implementation of Section 504 plans; and will provide documentation to OCR demonstrating that the policy was so disseminated.

Action Item 2 – Delivery of Section 504 Plans to Staff

The District will ensure that Section 504 plans are distributed to all District teachers and other staff responsible for the implementation of Section 504 plans prior to the first day of school year 2022-2023, and prior to the first day of school each year thereafter; and will ensure that Section 504 plans are distributed as necessary after the end of any schedule change periods.

Reporting Requirement:

By September 30, 2022, the District will provide to OCR documentation demonstrating that Section 504 plans were distributed in accordance with Action Item 2.

Action Item 3 – Practice at District Schools

The District will determine whether, in addition to XXXXX (the School), any other District school(s) had a practice of not providing Section 504 plans to teachers and other staff responsible for the implementation of Section 504 plans before or during the beginning of the school year, or prior to the conclusion of any schedule change period(s).

Reporting Requirement:

By August 29, 2022, the District will provide to OCR a list of each District school; and will indicate for each school listed whether the school had a practice of not providing Section 504 plans to teachers and other staff responsible for the implementation of Section 504 plans before or during the beginning of the school year, or prior to the conclusion of any schedule change period(s). The District will also provide to OCR documentation sufficient to demonstrate how the District made its determination with respect to each school listed and sufficient to justify the determinations made.

Action Item 4 – Section 504 Meetings

The District will issue a memorandum to all Section 504 case managers at the School, and all Section 504 case managers at each school identified in response to Action Item 3 as having a practice of not distributing Section 504 plans before or during the beginning of the school year or prior to the conclusion of any schedule change period(s), requiring them to discuss, at the next regularly-scheduled Section 504 meeting for each student at the school who had a Section 504 plan in place during and/or prior to school year XXXXX, whether the student requires any compensatory and/or remedial services as a result of any delay in implementation of the student's Section 504 plan during any year(s) the student was enrolled in the school.

Reporting Requirements:

- a. Within 1 week of the date of the agreement, the District will submit a copy of the draft memorandum to OCR for OCR's review and approval.
- b. Within 3 business days of receiving OCR's approval, or within 3 business days of finalizing the list required by Action Item 3, the District will disseminate the memorandum to the required recipients and provide documentation to OCR verifying that it has done so.

By signing this Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. 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.

The District understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the District is in compliance with the terms of the Agreement and with

Section 504 and its implementing regulation, at 34 C.F.R. Part 104, and Title II and its implementing regulation, at 28 C.F.R. Part 35.

The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice for judicial proceedings to enforce the specific terms of this Agreement and the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

By: _____ Date: _____
Dr. Andrew G. Houlihan
Superintendent
Union County Public Schools