## Garden City School District Resolution Agreement OCR Docket #15-22-1245

Garden City School District (the District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and ensuring compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 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 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

The District agrees to take the following actions:

- 1. By **September 30, 2022**, the District will convene a group of persons knowledgeable about the Student, the Student's evaluation data, and the placement options, including the Student's parent(s) (the Team), to conduct a review of the Student's Individualized Education Program (IEP), including the following actions:
  - a. Determine and clarify what specific provisions of the IEP are appropriate to provide the Student with a FAPE.
  - b. Determine and clarify what program(s), application(s), or service(s) will be used to implement the provisions of the Student's IEP that the Team determines are appropriate to provide a FAPE.
  - c. Determine the date on which the District began to implement the requirement in the Student's IEP that XXX have access to a word prediction application for lengthy writing assignments.
  - d. Determine what compensatory education or other remedial services the Student may require as a result of the delay in implementation of the extra set of textbooks for home use and the word prediction application. The team will draft a written plan for providing the Student compensatory education or other remedial services, if any are deemed necessary.

Reporting Requirement: By September 30, 2022, the District will provide OCR with documentation to demonstrate its implementation of Item 1, including: (i) copies of the District's efforts to schedule a meeting with the Student's parent and the Student's parent's response; (ii) copies of any notes or related documents from the Team meeting showing when the meeting occurred, who was present, what was discussed, and the determinations made and the bases for those determinations; (iii) a copy of any plan developed for the Student, (iv) documentation of any input provided by the Student's parents and showing that procedural safeguards were provided to them, and (v) any other documentation relevant to the determinations reached in accordance with Action Item 1 above. Should the District determine that no compensatory education or other remedial services were necessary, the District will provide a written explanation of the reasons for that determination, along with any supporting

documentation. OCR will review the documentation submitted 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.

By **December 14, 2022**, the District will provide documentation to OCR of the dates, times, and locations that the compensatory education or other remedial services, if any, were provided to the Student, including the name(s) and title(s) of the service provider(s).

## **General Requirements**

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or Section 504 and Title II. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and Title II, which were at issue in this complaint.

The Agreement will become effective immediately upon the signature of the District's representative below.

_/s/_		
Superintendent or Designee	Date	