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# Your Host



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# TODAY'S AGENDA

**Gabe Oberfield – (12:00PM-12:05PM)**

- Welcome and Agenda

**Jeffrey Weiss – (12:05PM-12:15PM)**

- Supreme Court Issues Decision on Legal Standard for Students Claiming Disability Discrimination Under Section 504 of the ADA

**Travis Talerico – (12:15PM-12:20PM)**

- Religious and Medical Exemptions for Vaccinations — Current Standards and Implications

**Camisha Parkins – (12:20PM-12:25PM)**

- DOL No Longer to Collect Liquidated Damages from Employers in Federal Pay Violation Investigations

**Kym Walcott-Aggrey – (12:25PM-12:30PM)**

- COVID-19 Sick Leave to End in NYS

**G. Oberfield – (12:30PM)**

- Questions / Wrap Up

# Supreme Court Issues Decision on Legal Standard for Students Claiming Disability Discrimination Under Section 504



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## *A.J.T. v. Osseo Area Schools, Independent School Dist. No. 279*

- The Supreme Court recently issued a unanimous decision that changes the standard for students pursuing discrimination claims based on educational services under Section 504.

## *A.J.T. v. Osseo Area Schools, Independent School Dist. No. 279*

- The case was initiated by the parents of a teenager with epilepsy that caused her to be unable to attend school before noon.
- The student's parents requested the school district provide the student with evening instruction to compensate for her inability to attend a full school day.
- The district denied this request.
- The parents prevailed at an impartial hearing and subsequent federal appeals as the district was unable to demonstrate it offered the student a FAPE when the student was educated for 4.25 hours per day compared to the 6.50 hour day of her general education peers.
- The district was ordered to provide several hundred hours of compensatory education and at-home instruction on the student's IEP from 4:30 p.m. to 6:00 p.m. each school day.

# Section 504 Action for Compensatory Damages

- The parents then initiated another court action under Section 504 and requested a permanent injunction, reimbursement for costs and compensatory damages.
- This action was dismissed based on a previous federal standard that required a plaintiff to prove the conduct by school officials rose to the level of bad faith or gross misjudgment.
- The lower court held that a “school district’s simple failure to provide a reasonable accommodation is not enough to trigger liability” under Section 504.

# Supreme Court

- This case was appealed to the United States Supreme Court, which disagreed with the lower courts' opinions and ruled the standard for a student's Section 504 claim based on educational services should be the same as general discrimination claims under the ADA and Rehabilitation Act.
- Such claims under the ADA and Rehabilitation Act do not require the plaintiff to prove intentional discrimination through bad faith or gross misjudgment as was previously required by some federal courts for Section 504.
- Rather, to be entitled to compensatory damages, such claims based on educational services are subject to the “deliberate indifference” standard – which only requires demonstrating the “defendant disregarded a strong likelihood that the challenged action violated federally protected rights.”



# Takeaways

- The Supreme Court found it was not equitable to impose a higher standard for students alleging discrimination claims based on educational services under Section 504 when compared with general discrimination claims under the ADA and Rehabilitation Act. The Court therefore remanded the student's claim to the lower court for further consideration under the deliberate indifference standard.

# Takeaways

- Students with qualifying disabilities who attend schools that receive federal funding are protected against disability discrimination under Section 504.
- This includes students with IEPs, Section 504 Plans (due to having a physical or mental impairment that substantially limits one or more major life activities) and those who have a record of a 504 impairment or are regarded as having such an impairment.

# Takeaways

- The Supreme Court's ruling has made it easier for students with disabilities to obtain compensatory damages from their schools when such schools are found to have disregarded a strong likelihood that their actions violated a student's federal rights. In practice, such cases are rare. Regardless, this case highlights the importance of federally funded schools addressing the needs of students with disabilities in a manner that is consistent with the law.

# Religious and Medical Exemptions for Vaccinations - Current Standards and Implications



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# DOL No Longer Will Collect Liquidated Damages from Employers in Federal Pay Violation Investigation



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# COVID-19 Sick Leave to End in NYS



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# COVID-19 Paid Sick Leave Overview

- In response to the COVID-19 pandemic, NYS enacted legislation in March 2020 requiring covered employers to provide employees who are subject to mandatory or precautionary quarantine or isolation due to COVID-19 with 5 or 14 days of paid COVID-19 sick leave, depending on employer size and type

# COVID-19 Sick Leave Set to Expire

- The Fiscal Year 2025 New York State Executive Budget established July 31, 2025, as the official end date for the State's COVID-19 Paid Sick Leave law
- NYS is among the last states to sunset this pandemic-specific benefit



# Key Compliance Reminders

- Covered employers must continue to provide COVID-19 sick leave through July 31, 2025
- After that date, employees may still use leave for COVID-19 related absences under NYS Paid Sick Leave Law, provided the absence is a qualifying reason under the law

# Questions?



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### **Sexual Harassment Prevention Training**

To combat harassment in the workplace, every New York State employer must provide harassment prevention training for all employees annually.

For more information on Bond's online sexual harassment training [click here](#) or email [bondonline@bsk.com](mailto:bondonline@bsk.com)

# Thank You

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