

**Resolution Agreement
Highlands County School District
OCR Docket Number 04-13-1283**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of the Highlands County School District (District), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this complaint pursuant to Section 302 of OCR's *Case Processing Manual* (CPM). Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions.

Student-Focused Remedy

1. By **November 15, 2013**, the District will convene a Section 504 meeting to take into account the individual needs of the Student and determine what related aids and services are needed to ensure that the Student is not denied access to a safe educational environment. Specifically, the Section 504 team should determine, based on all available evaluation data, (a) whether the Student has an allergy that substantially limits (even episodically) a major life activity, including but not limited to eating, speaking, breathing, concentrating, etc.; and (b) if so, what special education or related aids, services or accommodations the Student needs to meet his individual needs consistent with 34 C.F.R. §§ 104.33 and 104.35 of the Section 504 regulation. OCR notes that, in determining what aids, services, or accommodations the Student needs, the impact of those aids, services, or accommodations on the District are not relevant in assessing which aids, services, or accommodations will be provided to the Student.

REPORTING REQUIREMENT: By **November 30, 2013**, the District will submit to OCR a copy of the resulting Section 504 Plan.

Training Regarding Section 504/Title II

2. By **November 15, 2013**, the District will conduct training for the School staff regarding Section 504 and Title II. The training must address, at a minimum, the regulatory requirements contained in 34 C.F.R. §§ 104.33, 104.34, 104.35, and 104.36, including but not limited to: (a) the factors that make a student eligible for services under Section 504; (b) the District's Section 504 procedures regarding the evaluation and placement of District students who need, or are believed to need, special education or related services in a timely manner; (c) the District's Section 504 procedural safeguards; (d) the ADA Amendments Act and its expanded definitions of physical and mental impairments and major life activities; and e) the District's protocol on dealing with allergies.

REPORTING REQUIREMENT: By **November 30, 2013**, the District will provide documentation showing it has initiated the training described in Item #2, including: (a) the date, time, and location of the training; (b) the topics addressed at the training; (c) copies of handouts distributed to the training participants; (d) the name(s), title(s) and qualifications of the individual(s) who conducted the training; and (e) one or more sign-in sheets with the name and title of each employee who participated in the training.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that 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 and is in compliance with the Section 504 and Title II implementing regulation at 34 C.F.R. § 104.33, and Title II and its implementing regulation at 28 C.F.R. § 35.130(a).

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 implementing regulation at 34 C.F.R. § 104.33, and Title II and its implementing regulation at 28 C.F.R. § 35.130(a), 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.

Superintendent or Designee

Date