



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

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REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

Resolution Agreement
Miami-Dade County School District, FL
OCR Docket # 04-14-1492

The Miami-Dade County School District (District) submits to the U.S. Department of Education, Office for Civil Rights (OCR), this Resolution Agreement (Agreement), pursuant to Section 302 of the Case Processing Manual, to voluntarily resolve the above referenced complaint and to ensure compliance with 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 (Title II), as amended, 42 U.S.C §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. Accordingly, the District voluntarily agrees to take the following actions.

Action Item 1

By October 15, 2014, the District, in compliance with Section 504, will complete its reevaluation of the Student, as recommended by the Student's Reevaluation Team, and consented to by the Student's parent, on May 14, 2014.

Reporting Requirements:

By October 15, 2014, the District will provide OCR with documentation showing that it completed the reevaluation of the Student in accordance with Action Item I, including a copy of the evaluation results.

Action Item 2

By October 30, 2014, after providing proper written notice to the Student's parent/guardian, a group of knowledgeable persons, including the parent/guardian, will convene a placement/IEP meeting to determine if the Student needs a different placement and if his IEP needs to be revised pursuant to the reevaluation conducted under Action Item 1. If the group of knowledgeable persons determines that the Student's IEP needs to be revised, the group of knowledgeable persons will determine whether the Student requires compensatory and/or remedial services dating back to January 2014. If so, within 1 week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond December 1, 2014. The District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

- a. By November 7, 2014, (i) the District will provide OCR supporting documentation showing the group's decision as to whether the Student's IEP needs to be revised pursuant to the reevaluation; and, (ii) if the IEP needs to be revised, the District will provide supporting documentation showing the group's

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decision as to whether compensatory and/or remedial services are needed. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for the decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the District's decision and plan for providing the proposed services, review the documentation 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.

- b. By December 1, 2014, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

Action Item 3

By October 30, 2014, after providing proper written notice to the Student's parent/guardian, a group of knowledgeable persons, including the parent/guardian, will convene a placement/IEP meeting to determine if the toileting provision in the Student's IEP needs to be revised. The meeting pursuant to this Item may take place concurrently with the meeting required under Action Item 2.

Reporting Requirements:

By November 7, 2014, the District will provide OCR with documentation showing the group's decision regarding whether the toileting provision in the Student's IEP needs to be revised, including copies of the group's meeting(s) minutes, documentation of the revisions (if any), and documentation of the rationale for the decision.

Action Item 4

By October 15, 2014, the District will prepare a statement acknowledging that the Student has an equal opportunity to participate in all class field trips. The parent/guardian of the Student will be provided a copy of the statement.

Reporting Requirements:

By October 15, the District will provide OCR a copy of the statement prepared in accordance with Action Item 4 and evidence that the parent/guardian of the Student has been provided a copy of the statement.

Action Item 5

By December 1, 2014, the District will conduct Section 504/Title II training of personnel at North Miami Senior High School and Miami Carol City Senior High School, to include the Student's teachers for the 2013-14 school year. The training shall include the general prohibition against disability discrimination, including the right of students with disabilities to equal participation in field trips, and the Section 504 requirements concerning identification, evaluation, placement, grievance procedures and procedural safeguards.

Reporting Requirements:

By December 1, 2014, the District will provide documentation to OCR demonstrating the District conducted training in accordance with Action Item 5. The documentation shall include, at a minimum, the date of the training session, the staff who attended the training session, a description of the presenter's background and qualifications, and a copy of the agenda and the training materials disseminated.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35, and 104.36, and Title II, at 28 C.F.R. §35.130(a) and (b)(1)(iii), which were at issue in this case. The District also 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 regulations implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36, and Title II, at 28 C.F.R. §§ 35.130(a) and (b)(1)(iii), which were 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.

This Agreement has been entered into voluntarily by the Miami-Dade County School District and does not constitute an admission by the Miami-Dade County School District that it is not in compliance with Section 504 or Title II or their implementing regulations.

Date

Superintendent or Designee
Miami-Dade County School District