

**Resolution Agreement  
Osceola County School District  
OCR Docket Number 04-13-1358**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of the Osceola 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 its implementing regulation, Title II and its implementing regulation, and to resolve the issues of this investigation, the District voluntarily agrees to take actions to ensure its compliance with Section 504 and Title II.

**Opportunity for the Student and Similarly Situated ESE students (in self-contained classes) to Participate in Senior Activities**

1. The District agrees to draft policies and procedures to ensure that the Student and other senior ESE students in good standing are given the same opportunities as similarly situated nondisabled senior students to participate in all senior activities. The policies and procedures will include, but not be limited to, providing these opportunities in a manner as is necessary to afford senior students with disabilities an equal opportunity to participate in such activities.

**Reporting Requirement:** By January 30, 2014, the District will provide OCR with a draft copy of the proposed policies and procedures referenced above. By April 30, 2014, or within 60 days of OCR's approval of the policies and procedures, whichever is later, the District will provide documentation to OCR showing it has published the policies and procedure in its Resource Compliance Specialist (RCS) policies and procedures manual. The District will also take steps to publicize the policies and procedures each school year by posting the policies and procedure on a readily-accessible section of the District website. Further, by April 30, 2014, the District will disseminate the policies and procedures to the RCSs and the self-contained ESE teachers, who will provide copies of the policies and procedures to the parents/guardians of the senior ESE students in their classes.

By September 1, 2014, the District will publish notice of the approved policies and procedures in its student handbook.

## **Documentation that the District Provides Senior ESE students (in self-contained classes) the Opportunity to Participate in Senior Activities**

2. The District agrees that, beginning in January 2014 and continuing at the beginning of each school year thereafter, it will document in writing the senior activities in which each senior ESE student who is educated in self-contained classes participates. If an ESE student did not participate in a senior activity, for each such activity, the District will provide documentation explaining why the student did not do so.

**Reporting Requirement:** By June 10, 2014 and 2015, the District will provide OCR with the documentation required in Item 2, above.

## **Training**

3. By September 15, 2014, the District will initiate annual training for School administrators, faculty and staff regarding the Section 504 and Title II legal standards prohibiting different treatment on the basis of disability under any of the District's programs or activities that would deny a student with a disability the opportunity to participate in a service that is not equal to others or deny a student with a disability an aid, benefit or service that is not as effective as those provided others.

**Reporting Requirement:** By September 30, 2014, the District will provide OCR with a report confirming the completion of the Annual Policy Training for administrators, faculty and staff at the School. The documentation shall include: (1) the background and qualifications of the presenters/trainers; (2) a copy of the transcript(s)/materials used for the training; and (3) a list of the administrators, faculty and staff at the School who completed the Section 504/Title II 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 Section 504 and Title II.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the College has fulfilled the terms of this Agreement and is in compliance with the Section 504 and Title II implementing regulations 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. § 104.61), 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.

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Superintendent or Designee

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Date