

**Hardee County School District
Resolution Agreement
OCR Docket Number 04-13-1389**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of Hardee County School District, Florida (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, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35. Prior to the completion of OCR's investigation, the District agreed to resolve this complaint pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to ensure compliance with Section 504 and Title II and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions.

Student-Focused Remedy:

1. **The District will immediately but by no later than January 10, 2014**, notify the Student and XX family, by letter sent via overnight mail, by e-mail and by phone that the Student may, at the Student's election, reenroll in the District at XXXXXXXXXXXX School or in virtual school to complete XX remaining required courses for an accredited high school diploma. If the Complainant and Student accept the District's offer and the Student enrolls, then the District will, **as soon as is practicable but by no later than February 10, 2014, or within 30 days from the date of the Student's re-enrollment in the District, whichever is later**, convene a meeting with a group of individuals who are knowledgeable about the Student, the meaning of the evaluation data, and the placement options to determine, through a process that comports with the Section 504 regulation at 34 C.F.R. §104.35, whether the Student is eligible for an Individual Education Plan (IEP) or a Section 504 plan for the provision of special education and/or related aids and services. The District will provide the Complainant and Student with notice of their procedural safeguards. If the team concludes that the Student is eligible, the team will then proceed to determine appropriate aids and services as well as determine if compensatory educational services are needed as related to the District's failure to appropriately evaluate the Student during the XXXX-XXXX academic year through to the present, and if so, will determine the type and schedule of services that will be provided. The District will provide the Complainant and Student with notice of their procedural safeguards. If the Student accepts the invitation to reenroll beyond these listed dates, then the District will perform the steps related as soon as is practicable after that enrollment.

REPORTING REQUIREMENTS: By February 17, 2014, the District will provide OCR with copies of correspondence regarding the invitation to reenroll the Student; a copy of any documentation regarding the response or correspondence from the Complainant (or Student) regarding the invitation to reenroll to date; documentation of the Student's subsequent enrollment and in what classes, as applicable; a copy of the IEP or Section 504 plan if one is developed and the minutes or notes from that meeting, or, if applicable, any notice of ineligibility for special education services from the reevaluation,

the reasons for the ineligibility and a copy of correspondence with Complainant regarding formal notice of XX procedural safeguards.

2. **By March 17, 2014**, the District will submit to OCR for review and approval the Section 504 or IEP team's determination regarding the provision of compensatory educational services to the Student, including all documentation and other evidence that was considered by the team in reaching its determination, if the Student is deemed eligible for services. Upon OCR's approval of the determination, the District will amend the Student's IEP or Section 504 plan accordingly and submit a copy of the Student's educational plan to OCR by no later than **March 24, 2014**, as applicable.
3. **By June 4, 2014**, the District will provide all agreed upon compensatory educational services and submit to OCR documentation certifying that the educational services were provided to the Student

Section 504 Policies and Procedures

4. **By January 31, 2014**, the District will revise, for OCR approval, its Policies and Procedures for the Implementation of Section 504 as follows:
 - a. Revise the policies on discipline on pages 18 and 19 as necessary to provide procedures that comply with the Section 504 standards governing conduct of *a manifestation determination prior to discipline that results in a significant change in placement*.
 - b. Revise its evaluation policies and procedures, including those on pages 21 and 22, as necessary to ensure that the District carries out its *responsibilities under the Section 504 regulation at 34 C.F.R. §§104.34, 104.35, and 104.36 with respect to students still enrolled in the District that are attending courses through the virtual school or virtual classroom*.¹

REPORTING REQUIREMENT: By February 14, 2014, the District will provide OCR with a copy of its revised Section 504 policies and procedures therein, as specified for Item #4 above, for OCR's review and approval

5. **By January 31, 2014**, the District will also revise, for OCR approval, its grievance procedures to ensure they contain the following components:
 - a. Notice of the grievance procedures and instructions regarding how and where to file a complaint, including a provision for an alternate official to accept complaints where the complaint is against the person who normally receives them;

¹ OCR will provide the District with technical assistance regarding the revision of the procedures.

- b. Designated reasonably prompt timeframes for each stage of the investigation and appeal;
- c. Assurance that the investigation will be conducted in an impartial manner, including an impartial decision maker, the right of the parties to present witnesses and other evidence relevant to the complaint;
- d. Written notice to the parties of the outcome of the complaint, and the basis for the decision;
- e. An assurance that the District will take steps to prevent recurrence of any discrimination and to correct discriminatory effects on the complainant and others, if appropriate;
- f. An opportunity for the parties to appeal the findings.

REPORTING REQUIREMENT: By February 14, 2014, the District will provide OCR with a copy of its revised grievance procedures therein, as specified for Item #5 above, for OCR’s review and approval.

Dissemination of Revised Policies and Procedures

- 6. **By April 1, 2014**, or within 30 days of receiving OCR’s approval of the revised Section 504 policies and grievance procedures as detailed in Items #2 and 3, whichever is later, the District will implement, publish, and disseminate the updated Section 504 policies and procedures. The District will review and, as necessary, update its Student Handbook and website to ensure that these sources of student information clearly state the District’s new policies and procedures, and include the name or title, position, address, and phone number of the person or persons designated to coordinate compliance efforts for Section 504. The District can use an insert that includes a copy of the policies procedures and information required in Items #4 and #5 above, pending the reprinting of any publications.

REPORTING REQUIREMENT: By April 15, 2014, or within 15 days after completing the actions in Items #4 and #5, whichever is later, the District will provide OCR with copies of its updated Section 504 policies and grievance procedures (e.g., the Student Handbook and Academic Catalog), and with links to those policies and procedures online that are easily searchable on the District’s website.

Disability Policies and Procedures Training

- 7. **By June 6, 2014**, or within 30 days of receiving OCR’s approval of the revised Section 504 policies and procedures as detailed in Items #4 and #5, whichever is later, the District will initiate annual training of all faculty, administrators and staff involved with the provision of FAPE and other requirements of Section 504 as well as the appointed

