

302 RESOLUTION AGREEMENT
Orange County School District (Florida)
Complaint #04-13-1391

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of the Orange County Public 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, 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, the Orange County School District (District) has voluntarily entered into this Resolution Agreement (Agreement).

Prior to the completion of OCR's investigation, the District asked to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual (CPM). Accordingly, to ensure compliance with Section 504 and Title II and its implementing regulation and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions.

Student-Focused Remedy

1. By January 31, 2014, the District will conduct a manifestation determination meeting regarding the Student's disciplinary referrals during the 2011-2012 school year and maintain minutes of the meeting as well as copies of all documents used or created in connection with the meeting. If the educational team concludes that the incidents were manifestations of the Student's disability, the District will expunge the Student's disciplinary record of any references to discipline for the 2011-2012 school year.

REPORTING REQUIREMENTS: By February 28, 2014, the District will provide OCR with documentation showing that Corrective Action #1 has been completed. The documentation will include a copy of the 504 meeting minutes and a copy of all information considered. If it is determined that the referrals were manifestations of the Student's disability, the District will also provide documentation to verify that any disciplinary references to those incidents have been removed from the Student's disciplinary records.

2. By January 31, 2014, , the District will convene an 504 team meeting to determine, through a process that comports with the regulation implementing Section 504 at 34 C.F.R. § 104.35, whether compensatory educational services are needed by the Student for the period from February 2011 until the end of the 2011-2012 school year, for any educational loss as a result of the District's determination not to implement the Student's Section 504 plan, without convening a team of persons knowledgeable about the Student and the meaning of the evaluation data. The meeting will be attended by persons knowledgeable about the Student and the meaning of the evaluation data, and will also include any of the Student's subject teachers that are available. The District will also provide the Complainant with a copy of the procedural safeguards pursuant to 34 C.F.R. §104.36.

REPORTING REQUIREMENTS: By February 28, 2014, the District will provide OCR with a report, including meeting minutes, of the determination made as to whether compensatory services are necessary and provide justification as to whether compensatory services are required. The District will also provide evidence that it provided the Complainant with a copy of the procedural safeguards.

3. By January 31, 2014, based on the results of the evaluation pursuant to Corrective Action #2, above, if the District determines that compensatory services are necessary for the Student, it will offer such services to the Complainant and develop a plan for providing compensatory educational services that fully meets the Student's educational needs. The District will also amend the Student's 504 plan to reflect the compensatory educational services that will be provided. Additionally, the District will consult with the Complainant in scheduling these services. All compensatory services will be provided to the Student within 3 months of the Section 504 team's determination of the Student's need for such services.

REPORTING REQUIREMENTS: a) February 28, 2014, if the District determines that compensatory educational services are necessary, the District will provide OCR a copy of the amended Section 504 plan, specify the remedies offered to the Complainant to address the Student's educational loss and explain how it will be implemented, e.g., service provider, timeline for providing the services, if applicable.

(b) Within 30 days of completion of the Student's compensatory educational services or **by May 30, 2014**, if such are determined to be necessary, the District will provide OCR with documentation, e.g., assignments/assessments evidencing that it has provided all the necessary compensatory educational services to the Student. Such documentation must include (i) the dates and times of the provision of the compensatory educational services; (ii) the specific services provided; and (iii) the name/title of each service provider.

Training Provisions

4. By January 31, 2014, the District will initiate in-service training for administrators, faculty and staff at Avalon Middle School on the District's responsibilities under Section 504, including, their responsibility to conduct a meeting with persons knowledgeable about a student and evaluation data before making a significant change in the student's placement, ensuring that parents are provided their procedural safeguards; and the prohibitions against retaliation, specifically addressing the need to ensure that when parents are barred from communicating with District staff, it is done in a manner consistent with District policy and ensures that parents are not excluded from participating their child's educational program.

REPORTING REQUIREMENT: By February 28, 2014, or within 30 days of the training being conducted, whichever comes first, the District will provide OCR with a report confirming the completion of the training required by Corrective Action #4, above. The documentation shall include: (1) the date of the training session; (2) a list of the attendees, (3) the identity and qualifications of the trainer; and (4) a copy of the agenda and training materials disseminated.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, 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(a)(b); 104.35(a) and 104.61; Title VI at 34 C.F.R. § 100.7(e); and Title II at 28 C.F.R. § 35.130 and 35.134, which were at issue in this investigation.

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 at 34 C.F.R. §§104.33(a) (b), 104.35(a) and 104.61; Title VI at 34 C.F.R. § 100.7(e); and Title II at 28 C.F.R. § 35.130, which were at issue in this investigation.

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.

/s/

12/10/2013

Superintendent or designee

Date