

Resolution Agreement
Duval County Public Schools, FL
OCR Docket Number #04-14-1514

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint filed against Duval County Public Schools (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. As a recipient of Federal financial assistance from the Department and as a public entity, the District is subject to the provisions of Section 504 and Title II.

Accordingly, to ensure compliance with the above-referenced laws and regulations and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions:

Policies and Procedures

1. By **December 1, 2015**, the District's will revise its Section 504 policies and procedures to state, explicitly, that the District must develop Section 504 plans for qualified students with disabilities based on the students' *individualized* needs as determined by an evaluation and the interpretation of an evaluation in accordance with the requirements of Section 504 and its implementing regulation at 34 C.F.R. § 104.35(c).¹ These determinations will be made exclusively by a Section 504 team based on evaluation results that are documented and carefully considered by a group of persons knowledgeable about the student, the meaning of the evaluation data and the placement options, and will not be subject to the any existing restrictions for services that may apply to students without disabilities and not suspected of having a disability.

REPORTING REQUIREMENT: By **December 15, 2015**, the District will provide OCR with copies of the revised procedures for review and approval.

2. By **January 15, 2016, or within 30 days** of OCR approval of the documents described in Item #1 above (whichever is later), the District will publish the documents approved by OCR. The District will publish the revised policies and procedures in the District and Stanton College Preparatory School (School) newsletters, websites, and any other media the District and School utilize to provide information about services for students with

¹ Section 504 and its implementing regulation at 34 C.F.R. § 104.35(c) provides that before making any placement decisions regarding a student with a disability, or suspected of having a disability, the recipient will conduct an evaluation that draws upon information from a variety of sources; ensures that information obtained from all such sources is documented and carefully considered; ensures that the placement decision is made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and the placement options; and ensure that the placement decision is the least restrictive environment appropriate for the student.

disabilities. The District will deliver copies of the revised policies and procedures to students and parents/guardians via email and in hard copy.

REPORTING REQUIREMENT: With 15 days of publishing the revised procedures, the District will provide OCR with copies of all published documents, manuals, newsletters, and links to webpages described in Item #2 above. Include a copy of the email and hardcopy provided to students and parents/guardians.

Staff Training

3. By **January 15, 2016**, the District will notify all staff members in writing of their obligations under Section 504 and Title II, with specific reference to identification, evaluation, and the development of individualized education plans for students with disabilities.

REPORTING REQUIREMENT: By **February 1, 2016**, the District will provide documentation to OCR demonstrating that the District has disseminated the notice pursuant to the Item #3 above. The documentation shall include: (1) a copy of the notice; (2) the date(s) of the dissemination of the notice; and (3) a description of the method of dissemination of the notice.

4. By **February 1, 2016**, the District will initiate annual training for all staff and faculty, including but not limited to all administrators, counselors, psychologists, and social workers, at the School involved in the identification, evaluation and placement of students with disabilities under Section 504 and Title II. The training will explain the application of the District's policies and procedures pertaining to evaluation, eligibility determination and placement of students under Section 504 as well as full and complete implementation of any educational plan created under Section 504. The training will also include a prohibition of retaliation.

REPORTING REQUIREMENT: By **February 26, 2016**, the District will provide documentation to OCR demonstrating that the District has initiated annual training pursuant to the Action Item above. The documentation shall include: (1) the date of the training session(s); (2) a list of names and titles of District employees who participated in the training session; (3) a description of the presenter's background and qualifications with respect to Section 504 and the District's policies and procedures; (4) a copy of the agenda and the training materials disseminated; and (5) certification that the materials were provided to any staff unable to attend the training due to an emergency or other excused absence.

5. By **February 1, 2016**, the District will initiate annual training to the Section 504 Coordinator at the School regarding his/her responsibilities under Section 504. The training will explain the application of the District's policies and procedures pertaining to evaluation, eligibility determination and placement of students under Section 504 as well as full and complete implementation of any educational plan created under Section 504. The training will further explain the Coordinator's responsibility to ensure that School staff complies with the

requirements of the regulation and to ensure that each student with a disability receives a free appropriate public education.

REPORTING REQUIREMENT: By **February 26, 2016**, the District will provide documentation to OCR demonstrating that the District has initiated annual training pursuant to the Action Item above. The documentation shall include: (1) the date of the training session(s); (2) a description of the presenter's background and qualifications with respect to Section 504 and the District's policies and procedures; and (3) a copy of the agenda and the training materials disseminated.

Student Remedy

6. By **October 9, 2015**, the District will take necessary steps to expunge the failing grades received by the Student for the fall 2013 term and any and all reference of those failing grades and provide an explanation in the Student's record that explains the Student's absences which contributed to his grades in order to aid in the Student's access to scholarships or financial assistance at the postsecondary level. The District will replace those grades with those passing grades subsequently earned by the Student for the failed courses, if available, and recalculate the Student's grade point average (GPA). If not available, the District will recalculate the Student's GPA without the fall 2013 grades that have been expunged.

REPORTING REQUIREMENT: By **October 23, 2015**, the District will provide documentation to OCR demonstrating that the District has expunged or replaced the Student's grades from the fall 2013 term, and recalculated the Student's GPA.

School-wide Remedy

7. By **March 1, 2016**, the District will conduct reviews of all students with disabilities, or suspected of having a disability, at Stanton to ensure that they are not being denied a FAPE or an equal opportunity to participate in the school's program, including determinations of whether services not typically provided at the school should be provided for each student.

REPORTING REQUIREMENT: By **April 15, 2016**, the District will provide documentation to OCR demonstrating that the District has completed reviews of all students with disabilities, or suspected of having a disability, at Stanton to ensure that they are not being denied a FAPE or an equal opportunity to participate in the school's program, including determinations of whether services not typically provided at the school should be provided for each student. The documentation will include a list of students, date of review, disability, and services determined necessary before and after review.

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 implementing regulations.

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 Section 504 and its implementing regulation at 34 C.F.R. §§ 104.4, 104.33, 104.34, 104.35, 104.36 and Title II and its implementing regulation at 28 C.F.R. § 35.130.

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 sixty (60) calendar days to cure the alleged breach.

This Resolution Agreement will become effective immediately upon the signature of the Superintendent or his/her designee below.

/s/ _____
Superintendent or Designee

_____ **Date**