

**Resolution Agreement
Polk County School District, FL
OCR Complaint 04-14-1656**

The U.S. Department of Education (Department), Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint filed against Polk County School District (District), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the Department; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Sections 12131, et seq., and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. Accordingly, to ensure compliance with the above-referenced laws and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions:

Staff Training

1. By **March 17, 2017**, and annually thereafter, the District will provide training to all XXXXXXXX XXXXXXXXXXXX School administrators, faculty and staff involved in the oversight for, and/or the identification, evaluation, and placement of students regarding the requirements to provide a free appropriate public education pursuant to Section 504 and Title II, including implementation of related aids and services, identified in Individualized Education Program Plans or Section 504 Plans (Educational Plans) for hospital homebound students. Such training will be provided by an expert in Section 504, and will include the requirement of timely creation of Educational Plans and/or Behavior Intervention Plans.

Such training will also cover the protocols for permitting students with disabilities receiving homebound educational services to be on campus for educational and/or extracurricular activities.

REPORTING REQUIREMENT: By **March 31, 2017**, the District will provide documentation to OCR demonstrating that the District has conducted its annual training pursuant to this provision of the Agreement. The documentation shall include: (1) the date of the training session; (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 knowledge of Section 504 and Title II; and (4) a copy of the agenda and the training materials disseminated.

Student Focused Remedies

By **December 31, 2016**, the District will expunge the Student's disciplinary record(s) for any and all discipline that he received from the beginning of the 2013 - 2014 school year until September 12, 2014 (the date that the Behavior Intervention Plan was created), as a result of the District's failure to timely create and implement a Behavior Intervention Plan.

REPORTING REQUIREMENT: By **January 15, 2017**, the District will provide OCR with an updated report of the Student's disciplinary history evidencing that the disciplinary incidents that occurred since the 2013 - 2014 school year are no longer a part of the Student's disciplinary record.

2. By **October 30, 2016**, the District will convene an IEP meeting for the Student, including the Student's parent(s), to determine what compensatory educational or other remedial services the Student requires for the time period the Student did not receive extended school year (ESY) 2013 services and for the period during which implementation of the Positive Behavior Intervention Plan was delayed. The group will develop a written plan for providing the Student with the compensatory educational or other remedial services deemed necessary, which plan will identify the nature and amount of the services to be provided at no cost to the Student's parents, by whom, and when, and will become part of the Student's IEP. The District will provide the Student's parents with a meaningful opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

REPORTING REQUIREMENT: a) By **November 30, 2016**, the District will submit to OCR documentation showing implementation of Action Item 3 above, including a copy of any meeting minutes, a copy of any plan(s) developed for the Student, documentation of any input provided by the Student's parent(s) and showing that procedural safeguards were provided to the Student's parent(s), and any other documentation relevant to the determinations reached in accordance with Action Item 3 above. Should the District determine that no compensatory education or other remedial services were necessary, the District will provide a written explanation of the reasons for the determination, along with any supporting documentation. OCR will review the documentation submitted 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 **November 30, 2016**, the District will provide documentation to OCR of the dates, times, and locations that the compensatory education or other remedial services were provided to the Student, including the name(s) and title(s) of the service provider(s).

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 at 34 C.F.R. §§ 104.33, 104.35 and § 104.4(b)(1)(i), (iv), and Title II at 28 C.F.R. § 35.130.

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 Section 504 implementing regulation at 34 C.F.R. §§ 104.33, 104.35 and § 104.4(b)(1)(i), (iv), and Title II implementing regulation at 28 C.F.R. § 35.130, 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.

Superintendent or Designee

Date

Printed Name and Title