

**Hillsborough County School District, Florida**  
**OCR Docket #04-14-1748**

**RESOLUTION AGREEMENT**

Hillsborough County School District (District) submits to the U.S. Department of Education, Office for Civil Rights (OCR), this Resolution Agreement (Agreement) to resolve the above-referenced complaint and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 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 at 28 C.F.R. Part 35. Accordingly, the District agrees to the following:

**Student-Focused Remedy**

1. By September 8, 2015, the District will convene a Section 504 meeting for the Student of a group of knowledgeable persons, as defined by Section 504. The group will review information from a variety of sources, which will be documented and carefully considered, and further evaluate the Student, using a process that comports with the Section 504 regulation, to determine whether the Student needs additional special education or related services to meet his disability-related needs. The group will also consider whether the Student needs compensatory and/or remedial services as a result of the District's failure to provide appropriate regular and/or special education or related services during the 2014 calendar year following reports of bullying and harassment. If the group determines that the Student needs additional and/or compensatory and/or remedial services, within one week of its determination, the group will revise the Student's Section 504 plan for the 2015-2016 school year and develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond December 15, 2015. The District will provide the Student's grandmother notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

**Reporting Requirements:**

By September 15, 2015, the District will submit to OCR a report documenting when a group of knowledgeable people was convened to consider the Student's placement, individual educational needs, and related aids and services. The District will provide OCR with a copy of the Student's revised Section 504 plan, if applicable.

Within 2 weeks of the decision as to whether compensatory and/or remedial services are needed for the Student, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the names and titles of the meeting participants, an explanation for decisions made, the information considered, copies of any documents related to the evaluation/eligibility determination (if any) and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the District's decision and plan for the

proposed services, review the documentation 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.

By December 31, 2015, the District will provide documentation to OCR of the dates, times and locations that the compensatory and/or remedial services were provided to the Student, a description of what was provided, and the name(s) of the service provider(s).

### **Section 504 -- Training of School Staff**

2. By September 30, 2015, and thereafter on an annual basis the District will provide training to the School staff, including administrators, teachers, administrative staff, and bus drivers regarding the requirements of Section 504 and Title II, related to determining whether a student's educational needs are still being met following allegations of bullying or harassment on any basis, and recognizing, reporting, and preventing disability-based harassment.

#### **Reporting Requirements:**

By October 7, 2015, the District will provide documentation to OCR demonstrating that the District has initiated annual training of School staff 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 School 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.

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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 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 34 C.F.R. §104.4(a) and (b)(1)(i)-(iv) and (vii) and 104.7 and the Title II implementing regulation at 28 C.F.R. § 35.130(a) and (b)(i)-(iv) and (vii) and 35.107, which were at issue in this case.

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 implementing regulations at 104.4(a) and 104.33(a).

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.

This Agreement will become effective immediately upon signature of the District Superintendent or designee below.

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**Superintendent or Designee**  
**Hillsborough County School District**

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**Date**