

**Resolution Agreement**  
**Lee County School District, FL**  
**OCR Docket Number 04-15-1172**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint filed against the Lee County School District (District), alleging retaliation pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), 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, at 28 C.F.R. Part 35, which prohibit discrimination based on disability. To ensure compliance with Section 504, Title II, and the implementing regulations and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions.

**Student-Focused Remedy**

1. **By August 30, 2015**, the District will provide OCR with any and all documents within its possession, custody, or subject to its control which reference, refer, or relate to the Student in any way, except for those documents which are protected from disclosure by law or privilege. If any document(s) are withheld based on an assertion of a privilege under the law, OCR will be notified, in writing, of the documents withheld and the District will provide OCR reference to the specific legal, statutory, or other authority that permits the withholding.

**Reporting Requirement:**

**By September 15, 2015**, the District will submit to OCR any and all documents within the District's possession, custody, or subject to the District's control that reference, refer, or relate to the Student in any way. In addition, with this production, the District will submit to OCR an itemization of the documents produced, including a page count, and a statement, detailing which, if any, documents were withheld from production and the legal authority permitting such withholding.

2. **By September 1, 2015**, the District will remove from the Student's file all references to the "W-22" code, which indicates a student dropped out of school, and replace it with a code indicating that the Student withdrew from the District and enrolled in another school.

**Reporting Requirement:**

**By September 15, 2015**, the District will submit to OCR (1) written verification that the "W-22" code has been removed from the Student's file; (2) documentation of the code that replaces the "W-22" code in the Student's file;

and (3) an explanation of the code it uses in place of the “W-22” code in the Student’s file.

### **Section 504 and Title II –Staff Training**

1. **By October 15, 2015**, the District will hold a training that will thereafter take place each year for all of its administrators, faculty, and student support staff regarding the Section 504 and Title II prohibition of retaliation.

#### **Reporting Requirements:**

By **September 30, 2015**, the District will submit: (1) a description of the presenter’s background and qualifications with respect to knowledge of Section 504 and Title II; and (2) a copy of the agenda and the training materials to be disseminated.

By **November 15, 2015**, the District will submit documentation to OCR showing that the District’s administrators, faculty, and student support staff have completed the required training. The documentation shall include: (1) the date of the training session(s); and (2) a list of names and titles of all District employees who participated in the training session.

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. 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 regulation at 34 C.F.R. § 104.61, and the Title II implementing regulation at 28 C.F.R. § 35.134, 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 regulation at 34 C.F.R. § 104.61, and the Title II implementing regulation at 28 C.F.R. § 35.134, 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.

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

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**Superintendent or designee**

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**Date**