

Resolution Agreement
Duval County Public Schools, FL
OCR Complaint # 04-15-1237

Duval County Public Schools (District) agrees to resolve the allegation of discrimination on the basis of disability contained in complaint number 04-15-1237 filed with the U.S. Department of Education, Office for Civil Rights (OCR). The District submits this Resolution Agreement (Agreement) to ensure compliance with the requirements of 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.

Action Item 1

1. **By October 31, 2015**, after providing proper written notice to the Student's parents/guardian, a group of knowledgeable persons, including the parents/guardian, will determine whether the Student needs compensatory and/or remedial services as a result of any time the District failed to: from November 2014 to the end of the 2014-15 academic year, provide the Student with an outline of notes in his XXXX class; and, from January 2015 to the end of the 2014-15 academic year, provide a copy of the Student's missing XXXXXXXX assignments to the Complainant at the end of the week. If so, within one week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date of the execution of the plan not to extend beyond April 1, 2016. The District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

- a) **Within 2 weeks** of the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of 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 providing 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.
- b) **By April 15, 2016**, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

Action Item 2

2. **By September 30, 2015**, and annually thereafter, the District will provide training to current administrative and teaching staff at XXXXXXXX XXXX School (School) regarding Section 504 legal standards concerning provision of FAPE and the District's Section 504 policies and procedures with specific regard to the requirement to provide a FAPE in accordance with the regulation implementing Section 504 at 34 C.F.R. § 104.33(a) and (b).

Reporting Requirement:

By October 15, 2015, the District will submit to OCR documentation demonstrating the completion of the training for the appropriate District faculty, staff, and administrators from the School. Such documentation should include: the date(s) of the training session(s); a copy of the agenda for the training; the name, position, and credentials of the trainer(s); and an attendance sheet signed by the participants that indicates their names and titles.

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 Section 504 implementing regulation at 34 C.F.R. § 104.33, 104.34, 104.35, and 104.36, and Title II, at 28 C.F.R. § 35.130(a) and (b) (1)(iii), which were at issue in this case. The District also 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 regulation at 34 C.F.R. § 104.33, 104.34, 104.35, and 104.36, and Title II, at 28 C.F.R. § 35.130(a) and (b) (1)(iii), 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 Agreement has been entered into voluntarily with Duval County Public Schools and does not constitute an admission by the District that it is not in compliance with Section 504 or Title II or their implementing regulations.

Superintendent or Designee

Date