

Resolution Agreement
Miami-Dade County School District
OCR Docket #04-15-1323

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of Miami-Dade County School District (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 American 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. Prior to the completion of OCR's investigation, the District asked to voluntarily resolve the issue in this complaint pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to ensure compliance with Section 504 and Title II, the District voluntarily agrees to take the following actions:

Individual Remedies

By December 15, 2015, the District will: (a) review the Individual Education Plan of all the visually impaired students throughout the District to determine if these students received a decrease in services, and if so were the accommodation decisions (including eligibility and number of hours of services) made by the student's IEP team; b) for those students who did not receive an individual determination as described above in Item #1(a), the District will convene the students' respective IEP teams to make individual determinations regarding their eligibility to receive services. If it is determined that students were not receiving the appropriate services, the IEP team will also determine what compensatory educational services and/or any other applicable remedial services the students need.

REPORTING REQUIREMENTS: By January 28, 2016, the District will submit to OCR, for its review and approval, documentation showing implementation of Item #1 above, for those students whose visually impaired services changed during school year 2012-2013, school year 2013-2014 and school year 2014-2015, the District will provide OCR with a listing of the services before and after the change of services for each applicable student with a brief explanation why there was a change to include the referencing of pertinent source documents that resulted in the change. Additionally, after the District has reviewed all of the visually impaired students' IEP, the District will also submit to OCR, for its review a copy of any meeting minutes and all newly created or modified IEPs. Should the District determine that no compensatory education or remedial services were necessary, the District will provide a written explanation of the reasons for that determination, along with supporting documentation. If approved by OCR, then by February 17, 2016, or within 30 days of approval from OCR (whichever occurs later), the District will provide documentation to OCR of the dates, times, and locations that the compensatory education or other remedial education services were provided to the students, including the names(s) and title(s) of the service providers.

Training

1. By August 30, 2016, the District shall initiate annual training of District administrators, faculty and staff involved in providing vision services to students in the District regarding the requirements of providing individual accommodations in accordance with Section 504 and Individual Education Act (IDEA). The training should include examples of the various ways the District can become aware of the need to evaluate a student, including staff observations, direct parent or staff referral, and other information that should cause staff to reasonably suspect the student may need special education or related services because of a disability. District staff will also be trained on the obligation to provide procedural safeguards and evaluation information to the students' parent or legal guardian, and the District's obligation to complete the Student's evaluation within a reasonable time period.

REPORTING REQUIREMENT: By September 15, 2016, the District will provide OCR with a report confirming the initiation of the training sessions described in Item #2, including: (a) the background and qualifications of the presenters/trainers; (b) a copy of the materials used for the training; and, (c) a sign in log with name and title of all administrators, faculty and staff who completed the training.

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 regulation, at 34 C.F.R. §§ 104.33 and 104.35, and the Title II implementing regulation, 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 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 and 104.35, and the 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