



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

61 Forsyth St., Suite 19T10  
ATLANTA, GA 30303

REGION IV  
ALABAMA  
FLORIDA  
GEORGIA  
TENNESSEE

**Resolution Agreement**  
**Brevard County School District, FL**  
**OCR Docket Number 04-15-1445**

The Brevard County School District (District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint that was filed against the 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 from the Department; 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, which prohibit discrimination on the basis of disability by public entities.

Prior to the completion of the investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual (CPM). To ensure compliance with Section 504 and Title II and their implementing regulations and to resolve the issues of this investigation, the District agrees to take the following actions:

**Student-Focused Remedy**

1. By **February 1, 2016**, the District will present a certificate to the Student and any other kindergarten students who did not participate in the Spring 2015 end-of-year program recognizing the promotion of kindergarten students to first grade.

**Reporting Requirement:** By **February 29, 2016**, the District will provide OCR with a copy of the certificate(s) presented and a summary of the District's compliance with this Item #1.

**Training**

2. By **March 1, 2016**, the District will conduct training to all administrators, faculty, and staff at Turner Elementary School (School) on Section 504's and Title II's prohibition against the exclusion of students with disabilities from non-academic and extracurricular services/activities solely on the basis of disability.

**Reporting Requirement:** By **March 31, 2016**, the District will submit to OCR documents demonstrating that the District conducted the training described above. The documentation shall include: 1) the date of the training session; (2) a list of names and titles of the School administrators, faculty, and staff 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.

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. §§ 104.4 and 104.37, 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 it has fulfilled the terms of this Agreement and is in compliance with the Section 504 implementing regulation at 34 C.F.R. §§ 104.4 and 104.37, 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.

This Agreement will become effective immediately upon the signature of the District's representative below.

\_\_\_\_\_  
Superintendent or Designee  
Brevard County School District, FL

\_\_\_\_\_  
Date