

**Resolution Agreement
Miami-Dade County School District
OCR Docket # 09-15-1532**

The Miami-Dade County School District (District) agrees to implement the following actions in order to resolve the issues raised in Complaint #04-15-1532 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 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. In agreeing to this Agreement, the District is not admitting to any violations of laws enforced by OCR.

ACTION ITEM 1

System Review and Assessment

In order to comply with Section 504 and Title II, the District will take all steps necessary to ensure that District students who are allergic to peanuts/nuts and lentils (collectively, “peanuts”) will receive reasonable accommodations, which would allow them equal access to extra-curricular activities. Specifically, by March 1, 2016, the District will conduct a system review of its policy and procedures to assess what the District current needs are to meet its responsibilities to students who are allergic to peanuts.

The system review and assessment will be captured in a written report. The District will take necessary steps to ensure that it has a sufficient policy and procedures in place to meet the students' needs. The District will implement all the steps identified in the review and assessment report expeditiously, but no later than April 1, 2016.

REPORTING REQUIREMENTS:

By April 1, 2016, the District will provide OCR with a copy of its review and assessment report consistent with Action Item 1, including a description of the steps that the District has taken, or will be taking in the future, to address each identified need.

ACTION ITEM 2

Related Aids and Services:

By April 1, 2016, the District will identify in writing the related aids and services in place to allow each District student identified as having a peanut allergy (Students) to receive reasonable accommodations consistent with Section 504/Title II to participate in extracurricular activities.

Reporting Requirements:

By March 1, April 1, 2016, the District will provide OCR with a copy of Section 504 Plans/ or IEPs or other documentation which demonstrates that the District has met its commitments consistent with Action Item 2.

ACTION ITEM 3

1. By February 26, 2016, after providing proper written notification to the Student's parent (s), a group of knowledgeable persons, including the parent/guardian, will determine whether additional services or accommodations are needed for the Student to participate in the District's extracurricular activities.
2. 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. The District shall notify OCR of the decision as to whether additional services or accommodations are needed for the Student to participate in the District's extracurricular activities.

REPORTING REQUIREMENTS:

By March 15, 2016, 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 whether additional services or accommodations were granted. Prior to approving the District's decision and plan for providing any proposed services, OCR will review the documentation to ensure that the District, in making these determinations, met the procedural requirements of the regulation implementing Section 504 at 34 C.F.R. §§ 104.34, 104.35 and 104.36

ACTION ITEM 4

Training

By March 1, May 27, 2016, the District will provide training to the District's Section 504 Coordinator (s), administrators and other relevant staff who have responsibility for implementing the District's Section 504 services for Students. The training will consist of an overview of the District's responsibilities under Section 504 and Title II, including the District's responsibility for providing related aids and services to allow Students to participate fully in the District's extra-curricular activities.

REPORTING REQUIREMENTS:

By April 1, June 15, 2016, the District will provide OCR with a written report confirming the completion of the training specified in Item 3. The documentation shall include: (1)

the background and qualifications of the presenters/trainers; (2) a copy of the transcript(s)/materials used for the training; and (3) a list of the participants' names and titles who completed the training..

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.33(a)(b)(1)(2), and the Title II implementing regulation at 28 C.F.R. § 35.130, 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 regulations at 34 C.F.R. 34 C.F.R. § 104.33(a) (b)(1)(2), and the Title II implementing regulation at 28 C.F.R. § 35.130.

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 sixty (60) calendar days to cure the alleged breach.

Superintendent or Designee

Date