

**Lee County School District, Florida
OCR Complaint # 04-16-1127**

RESOLUTION AGREEMENT

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of the Lee 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 prohibits discrimination on the basis of disability by recipients of Federal financial assistance; 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 prohibits discrimination on the basis of disability by public entities. Accordingly, the District agrees to take the following actions:

Student-Focused Remedy

1. By **September 1, 2016**, the District will convene an IEP meeting for Austin Haft (Student) of a group of knowledgeable persons, as defined by Section 504. The group will review information from a variety of sources, which will be documented and carefully considered, and further evaluate the Student, using a process that comports with the Section 504 regulation, to determine whether the Student needs additional special education or related services to meet his disability-related needs. The group will also consider whether the Student needs compensatory and/or remedial services. If the group determines that the Student needs additional and/or compensatory and/or remedial services, within one week of its determination, the group will revise the Student's IEP plan for the 2015-2016 school year and develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond December 15, 2016. The District will provide XXXXX (Complainant) with notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

By **September 15, 2016**, the District will submit to OCR a report documenting when a group of knowledgeable people was convened to consider the Student's placement, individual educational needs, and related aids and services. The District will provide OCR with a copy of the Student's revised IEP, if applicable.

By **September 15, 2016**, the District will submit to OCR documents supporting the group's decision as to whether compensatory and/or remedial services are needed for the Student. The documentation submitted shall include documentation showing the names and titles of the meeting participants, an explanation for decisions made, the information considered, copies of any documents related to the evaluation/eligibility determination (if any) 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 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.

If applicable, by **January 20, 2017**, the District will provide documentation to OCR of the dates, times and locations that the compensatory and/or remedial services were provided to the Student, a description of what was provided, and the name(s) of the service provider(s).

Memorandum

2. By **September 1, 2016**, the District will distribute a memorandum to all of the administrators, faculty, and staff at Patriot Elementary School (School) detailing the School's obligations under Section 504 and Title II to ensure that students with disabilities are not treated differently with respect to field trip participation requirements. The District will ensure all administrators, faculty, and staff who were at the School during the 2015-16 school year receive this memorandum, regardless of their school placement/assignment for the 2016-17 school year.

REPORTING REQUIREMENT: By **September 15, 2016**, the District will provide OCR with a copy of the memorandum referenced in Item 2 above, the date(s) the memorandum was issued, and a list of the names and job titles/positions of the individuals to whom the memorandum was sent.

Training

3. By **October 1, 2016**, the District will provide training to the School's administrators and certified personnel regarding the District's responsibilities under Section 504 and Title II. The District may coordinate with OCR to provide the training at a mutually agreeable time and place. Thereafter, the District, independent of OCR, will provide training regarding the same topics on an annual basis to the School's administrators and certified personnel.

REPORTING REQUIREMENT:

- (a) If training by OCR is requested, by **July 1, 2016**, the District will coordinate with OCR of the proposed dates, times, and locations for the training to be conducted pursuant to Item 3 above.
- (b) If training by OCR is not requested, by **September 15, 2016**, 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 of the training; the name, position, and credentials of the trainer(s); an attendance sheet signed by the participants that indicates the names and titles; and a copy of the presentation.

* * *

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 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 34 C.F.R. § 104.4(a) and (b)(1)(i)-(iv) and (vii); § 104.33(a) and (b); 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 regulations at 34 C.F.R. § 104.4(a) and (b)(1)(i)-(iv) and (vii); § 104.33(a) and (b); 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 a minimum of sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon signature of the District Superintendent or designee below.

Superintendent or Designee
Lee County School District

Date