

Resolution Agreement
Miami-Dade County (FL)
OCR Complaint # 04-16-1517

The U.S. Department of Education (Department), Office for Civil Rights (OCR), initiated the above-referenced investigation of Miami Dade County Schools (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 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 OCR's investigation, the District asked to resolve the issues of this investigation. Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions:

Student Focused Remedies/Compensatory Education

Action Item 1

By December 16, 2016, after providing proper written notice to the Student's parents, a group of knowledgeable persons, including the Student's parents to convene a Section 504 meeting to determine whether the Student requires compensatory and/or remedial services for the period beginning September, 2015 to December, 2016. If so, within 1 week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 30, 2017. The District will provide the Student's parents notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

- a. By January 8, 2017, the District will provide supporting documentation showing the group's decision on whether compensatory and/or remedial services are needed. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for the 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.

Training

Action 2

By **February 15, 2017** the District will initiate annual training for the Districts administrators, faculty and staff in regards to its obligation to provide an evaluation of students that live within the District but not attending public schools, as well as giving the “child find provisions of Section 504”, Section 504, at 34 C.F.R. § 104.32(a).

REPORTING REQUIREMENT: By **February 28, 2017**, the District will provide documentation to OCR demonstrating that the District initiated the annual training described above. The documentation shall include: (1) the date of the training session; (2) a list of names and titles of the School faculty and staff who participated in the training session; (3) a description of the presenter’s background and qualifications with respect to knowledge of providing evaluations for students that live in the District.

Nothing contained in this Agreement shall be construed to constitute an admission on the part of the District to any of the allegations in this complaint.

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.

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(a) and (b)(1), and the Title II implementing regulation at 28 C.F.R. § 35.130(a), 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 sixty (60) calendar days to cure the alleged breach.

Superintendent or Designee

Date