

**Resolution Agreement  
Martin County School District, FL  
OCR Docket # 04-16-7094**

The Martin County School District (District) submits to the U.S. Department of Education, Office for Civil Rights (OCR), this Resolution Agreement (Agreement), pursuant to Section 302 of the Case Processing Manual, to voluntarily resolve the above referenced complaint and to ensure compliance with 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), as amended, 42 U.S.C §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. This Agreement has been entered into voluntarily by the District and does not constitute an admission by the District that it is not in compliance with Section 504 or Title II or their implementing regulations. Accordingly, the District voluntarily agrees to take the following actions.

**Action Item 1**

By August 1, 2017, the District will conduct Section 504/Title II training for all teachers and staff involved in the evaluation/eligibility determination process pursuant to Section 504 and Title II. The training shall include the Section 504 requirements concerning identification, evaluation, placement, and procedural safeguards, in addition to the general prohibition against disability discrimination and retaliation.

**Reporting Requirements:**

By August 1, 2017, the District will provide OCR with documentation demonstrating that the District conducted training in accordance with Item 1. This shall include, at a minimum, the date of the training session, the staff who attended the training session, a description of the presenter's background and qualifications, and a copy of the agenda and the training materials disseminated.

**Action Item 2**

By May 31, 2018, should the Student reenroll in the District before the conclusion of the 2017-18 school year, the District will evaluate the Student, in accordance with Section 504 and its implementing regulation at 34 C.F.R. § 104.35, and determine whether the Student, because of a gastrointestinal condition, is eligible for regular or special education and related aids and services.

**Reporting Requirements:**

By May 31, 2018, if applicable, the District will provide OCR the Student's completed evaluation/eligibility determination report in accordance with Item 2. This report shall include, but is not limited to, the minutes from the evaluation/eligibility determination, the information considered, the participants, a copy of the notice of procedural safeguards provided to the parents, and any other documentation, including a copy of the Student's

Section 504 services plan and/or Individualized Education Program, if applicable, resulting from the Student's evaluation/eligibility determination. Should the Student not reenroll in the District before the conclusion of the 2017-18 school year, the District will provide OCR a report with that information.

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, 104.35, and 104.61, and Title II, at 28 C.F.R. §§ 35.130 and 35.134, 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 regulations implementing Section 504, at 34 C.F.R. §§ 104.33, 104.35 and 104.61, and Title II, at 28 C.F.R. §§ 35.130 and 35.134, 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.

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

/s/

March 1, 2017

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**Superintendent or Designee**  
**Martin County School District**

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**Date**