

**Resolution Agreement  
Broward County School District  
OCR Complaint No. 04-16-7100**

The District submits to the U.S. Department of Education, Office for Civil Rights (OCR), this Resolution Agreement (Agreement) to voluntarily resolve the issues in 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), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35. The Agreement reflects voluntary actions to be taken by the District to ensure continued compliance with Section 504 and Title II. The District agrees to implement the actions described below:

**STUDENT REMEDY:**

1. By **February 24, 2017**, the District will convene a group of persons, including persons knowledgeable about the Student, consistent with the requirements of the Section 504 implementing regulations at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36 to determine what, if any, remedial services the Student requires to accommodate the period of time she spent in the incorrect placement between August 2016 and February 2017.

**REPORTING REQUIREMENTS:**

By **March 6, 2017**, the District will provide documentation to OCR showing that the evaluation meeting required by Item 1 of the Agreement was completed. The District shall produce documentation reflecting all meeting attendees, records of all information and documentation considered or discussed in determining the Student's appropriate placement and the provision of remedial services, including, but not limited to, any and all meeting minutes or notes. If, as a result of the meeting required by Item 1, the District determines that remedial services for the Student are appropriate, by **March 6, 2017**, the District shall provide documentation reflecting the remedial services that will be provided and the District's timeline for providing the services, including the date by which all remedial services should conclude.

By **June 1, 2017** (or the date by which all remedial services should conclude), the District shall produce documentation showing that the remedial services that were determined appropriate have been received by the Student. The District's documentation should identify the person by whom the services were provided, the date the services were provided, and the duration of any services provided.

**POLICIES AND PROCEDURES:**

2. By **May 31, 2017**, the District will include on its website and in its Section 504 and Title II manuals, written procedures, and the relevant sections of all handbooks, the specific identification (by name or title) and contact information for the individual or individuals the District has designated to coordinate its efforts to comply with Section 504 and Title

II, pursuant to the Section 504 implementing regulation at 34 C.F.R. § 104.7 and the Title II implementing regulation at 28 C.F.R. § 35.107.

**REPORTING REQUIREMENT:**

**By August 1, 2017**, the District will produce to OCR documentation showing that its website, Section 504 and Title II manuals, written procedures, and relevant sections of all handbooks identify by name or title and provide the contact information for the individual or individuals the District has designated to coordinate its efforts to comply with Section 504 and Title II.

**TRAINING:**

3. **By August 31, 2017, and annually each year thereafter**, the District will initiate Section 504 training for all faculty and staff involved with the location, identification, evaluation and placement of students with disabilities within the District, including but not limited to school administrators, counselors, and/or Section 504 Liaisons. To meet the requirements of Item 2, the District may, but is not required to, schedule training through OCR. The training shall, at a minimum, cover the following:
  - a. The requirement that no qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity of the District.
  - b. Specific identification, including professional contact information, of the District's designated employee responsible for coordinating the District's efforts to comply with Section 504 and Title II.
  - c. The District's obligation to identify and locate qualified students with disabilities within its jurisdiction not receiving a public education and notify them of its duties subject to Section 504 and Title II.
  - d. The requirement that the District provide a Free and Appropriate Public Education (FAPE) to each qualified student with a disability (or disabilities) within its jurisdiction.
  - e. The requirement that the District evaluate students with disabilities for services before taking any action with respect to initial placement in special education or regular education and periodically thereafter.
  - f. The District's obligation to provide students with disabilities educational instruction with students without disabilities to the maximum extent appropriate for the students with disabilities.
  - g. The District's obligation to implement procedural safeguards with regard to the identification, evaluation, and educational placement of students with disabilities.
  - h. The District's obligation to provide non-academic and extracurricular services and activities in such a manner that is necessary to afford students with disabilities an equal opportunity for participation.

**REPORTING REQUIREMENT:**

By **September 30, 2017**, the District will provide documentation to OCR demonstrating that the District initiated annual training pursuant to Item 3 above. The documentation shall include: (1) the date of the training session(s); (2) a list of the names and titles of the District employees who participated in the training session; (3) a description of the presenter’s background and qualifications; (4) a copy of the agenda and/or the training materials disseminated; and (5) certification that the materials were provided to any staff unable to attend training due to an emergency or excused absence.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the District understands that during the monitoring of this Agreement, 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 Section 504 and its implementing regulation at 34 C.F.R. § 104.4, and Title II and its implementing regulation at 28 C.F.R. § 35.130 which were at issue in this complaint.

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 and its implementing regulation at 34 C.F.R. § 104.4, and Title II and its 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