

Resolution Agreement
Broward County Public Schools (FL)
OCR Complaint # 04-17-1023

The U.S. Department of Education (Department), Office for Civil Rights (OCR), initiated the above-referenced investigation of the XXXXXXXXXX (School), which is a part of the Broward County Public 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 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. Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations and to resolve the issues of this investigation, the School voluntarily agrees to take the following actions:

Complainant Focused Remedies

1. By **March 15, 2017**, the School will provide the Complainant with a sign-language interpreter for all of the classes for which he is currently enrolled.

REPORTING REQUIREMENT: By **March 28, 2017**, the School will submit to OCR documentation, showing that the Complainant has a sign-language interpreter for each of his courses in which he is currently enrolled. The documentation submitted shall include the names of the interpreters, the interpreters' work schedule, and the Complainant's class schedule.

2. The School will provide the Complainant with a sign-language interpreter for any future classes he enrolls in at the School.

REPORTING REQUIREMENT: By **September 31, 2017**, the School will submit to OCR documentation, showing that it provided the Complainant with a sign-language interpreter for each of his courses in which he enrolled through **September 1, 2017**. The documentation submitted shall include the names of the interpreters, the interpreters' work schedule, and the Complainant's class schedule for each enrollment period.

Additional Remedies

3. To address the shortage of sign-language interpreters available for hearing impaired students, the School will take all steps necessary to ensure that its students who receive sign language-interpreters as an accommodation will receive those services. Specifically, by **August 31, 2017**, the School will conduct a system review of its policy and procedures to assess what the School's current needs are to meet its responsibilities to students who require sign-language interpreters.

4. The system review and assessment will be captured in a written report. The School will take necessary steps to ensure that it has a sufficient policy and procedures in place to make sure sign-language interpreters are available for all students requiring this accommodation. The School will implement all the steps identified in the review and assessment report expeditiously, but no later than **September 15, 2017**.

REPORTING REQUIREMENT: By **September 30, 2017**, the School will provide OCR with a copy of its review and assessment report consistent with Item 3, including a description of the steps that the School has taken, or will be taking in the future, to address each identified need.

Training

5. By **September 1, 2017**, the School will initiate annual training for School administrators, faculty and staff involved in the determination and implementation of academic adjustments and/or auxiliary aids (accommodations) under Section 504 and Title II on the requirements of Section 504 and Title II.

REPORTING REQUIREMENT: By **September 15, 2017**, the School will provide documentation to OCR demonstrating that the School 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 the determination and implementation of accommodations and Section 504 and Title II; and (4) a copy of the agenda and the training materials disseminated.

The School 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 School understands that during the monitoring of this Agreement, if necessary, OCR may visit the School, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the School has fulfilled the terms of this Agreement and is in compliance with the Section 504 implementing regulation at 34 C.F.R. § 104.44(a)-(d), and the Title II implementing regulation at 28 C.F.R. § 35.130(a).

The School understands that OCR will not close the monitoring of this Agreement until OCR determines that the School has fulfilled the terms of this Agreement and is in compliance with Section 504 implementing regulation at 34 C.F.R. § 104.44(a)-(d), and the Title II implementing regulation at 28 C.F.R. § 35.130(a), which were at issue in this case.

The School 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 School written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Superintendent or Designee

Date