

**Resolution Agreement
Brevard County Schools (FL)
OCR Complaint # 04-17-1073**

The U.S. Department of Education (Department), Office for Civil Rights (OCR), initiated the above-referenced investigation of Brevard 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 pursuant to Section 302 of OCR's Case Processing Manual (CPM). This resolution has been entered into voluntarily by the District and does not constitute a finding or admission that the District is not in compliance with Section 504 and Title II and their implementing regulations. 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

1. **By May 15, 2017**, after providing proper written notice to the Student's parent, a group of knowledgeable persons will determine whether the Student needs compensatory and/or remedial services for the first semester of the 2016-2017 school year in regards to the XXXXXXXX that was in his IEP.
2. **By May 22, 2017**, if the group determines that compensatory educational services are needed, 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 **October 1, 2017**. The plan will identify the type of services to be provided to the Student, including who will provide the services, when the services will be provided, and the starting and projected ending dates of the services. The District will provide the Student's parent notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIREMENT: **By May 30, 2017**, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student.

3. **By October 1, 2017**, the District will provide any compensatory services referenced in Item # 4 above.

REPORTING REQUIREMENT: By **October 15, 2017**, the District will provide OCR with applicable documentation demonstrating that the services were provided.

Training

4. By **September 1, 2017**, the District will initiate annual training for XXXXX School administrators, faculty and staff involved in the identification, evaluation, and placement of students under Section 504 and Title II on the requirements of Section 504 and Title II.

REPORTING REQUIREMENT: By **September 15, 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 implementation of IEPs and Section 504 and Title II; and (4) a copy of the agenda and the training materials disseminated.

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 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 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).

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 a minimum of sixty (60) calendar days to cure the alleged breach.

Superintendent or Designee

Date