

**Resolution Agreement  
Duval County Public Schools  
OCR Complaint #04-17-1308**

OCR and Duval County Public Schools (the District) enter into this Agreement to resolve the allegations in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures the U. S. Department of Education, Office for Civil Rights, (OCR), that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 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. Sections 12131, *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

**TRAINING**

1. The District will provide training to faculty, staff, and administrators at XXXXX XXXXXX XXX XXXXXXXXXX XXXXXXXX (the School) regarding the District's responsibilities under Section 504 and Title II. The training shall be provided by a source with expertise in Section 504 and Title II and shall cover, at a minimum:
  - a. Section 504 and Title II's prohibition against discrimination and different treatment on the basis of disability;
  - b. The definition of disability-based harassment, examples of the types of conduct that may constitute harassment, and the appropriate standards to determine whether a disability-based hostile environment exists;
  - c. A review of the District's responsibility under its own policies and Section 504 and Title II to address allegations of disability-based harassment, including specific guidance on the District's grievance procedures, how to report possible harassment, and how to respond to allegations of harassment; and
  - d. A reminder of the District's commitment to having a school environment free from all harassment.

**REPORTING REQUIREMENT:** Within ninety (90) days of signing this Agreement, the District will submit to OCR documentation demonstrating the completion of the training for the appropriate faculty, staff, and administrators at the School. This documentation should include: the date(s) of the training session(s); a copy of the agenda for the training; the name, position, and credentials of the trainer(s); and an attendance sheet signed by the participants that indicates their names and titles.

## **STUDENT-FOCUSED REMEDIES**

2. Within sixty (60) days of signing this Agreement, the District will complete an investigation of, and make written findings pursuant to, all allegations of discrimination and harassment based on disability the Complainant raised in reference to this complaint. The District will ensure that staff members with training on appropriate investigatory approaches and applicable legal standards complete the investigation. In reaching investigatory determinations, the District may utilize all information obtained during the District's investigation thus far as well as any additional information obtained pursuant to this Agreement. As part of its investigation, the District will (a) provide the Student and the Complainant with opportunities to be interviewed and provide statements and (b) identify additional witnesses and other information as appropriate in order to sufficiently investigate the allegations. If the District determines that the allegations are substantiated, in whole or in part, the District will take actions necessary to appropriately address the discrimination and/or harassment, prevent its recurrence, and eliminate and remedy the effects of any hostile environment that may have been created.

**REPORTING REQUIREMENT:** Within fifteen (15) days of the conclusion of its investigation, the District will provide OCR for its review and approval documentation of its investigation, including interview notes, investigative reports, written findings, and, if the District's investigation substantiates allegations of discrimination or harassment, the proposed steps to address the discrimination and/or harassment, prevent the recurrence of any harassment, and correct any hostile environment created at the School (such as counseling or discipline for the accused harasser(s) or counseling or compensatory education for the Student). OCR will approve the District's investigation if it determines that the investigative process complied with the regulatory requirements of Section 504 and Title II.

3. Within fifteen (15) days after OCR notifies the District that its investigation referenced in Section 2, above, was conducted in compliance with Section 504 and Title II, the District will provide written notice to the parties of the outcome of the investigation and, if appropriate, of any steps the District will take to prevent the recurrence of discrimination and to correct any hostile environment created at the School.

**REPORTING REQUIREMENT:** Within 15 school days of the notices provided to the Complainant and the accused, the District will provide OCR copies of the written notices.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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 Section 504 and its implementing regulation at 34 C.F.R. § 104.4, and the Title II implementing regulation at 28 C.F.R. § 35.130. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 Agreement will become effective immediately upon the signature of the District's representative below.

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Superintendent or Designee

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Date

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Printed Name and Title