

RESOLUTION AGREEMENT
School District of Broward County School District
OCR Complaint #04-18-1126

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and the Broward County School District (District), enter into this agreement to resolve the allegation in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures 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. § 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, which prohibit discrimination on the basis of disability.

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

POLICIES AND PROCEDURE

1. By **December 30, 2018**, the District will nullify any policy, procedure, or practice, which requires the Transportation Department to review and approve any transportation related aid and service identified and approved by a Section 504 or IEP team. The District shall also amend its transportation policy to include the following or similar language: "Under Section 504 and Title II, any aid and service which involves transportation services agreed upon and approved by a Section 504 or Individualized Education Program (IEP) team or contained in a student's Section 504 plan or IEP, shall not be terminated, modified, or otherwise altered in any way outside of a meeting identified in Section 504 implementing regulation 34 C.F.R. § 104.35.

REPORTING REQUIREMENTS:

By **February 1, 2019**, the District will submit to OCR a copy of the revised transportation policy which includes the above referenced or similar language, and evidence that the District has nullified its practice to allow for the Transportation Department to amend or reject a decision related to transportation identified and agreed upon by a student's IEP or Section 504 Team.

INDIVIDUAL REMEDY

2. By **December 30, 2018**, the District will send a letter to the Student's parent advising her that the District will reimburse her for the cost of transportation (mileage) to bring the Student to and from school during the time period the Student wore a cast. Mileage shall be based on the current IRS standard mileage rate. The District shall give the Student's parent 30 days to submit the total mileage accumulated during this time period.

REPORTING REQUIREMENT:

By **February 1, 2019**, the District will submit documentation to OCR which shows that the letter was submitted to the Complainant in the time identified above, and if payment was made, documentation reflecting that payment was made.

TRAINING

3. By **April 30, 2019**, the District will conduct training to all faculty and staff responsible for the administration of transportation services on the following: 1) the District's revised process identified in paragraph 1 and 2) the requirement of the District to provide the related aids and services that are in the IEP or 504 Plan and 3) and the requirement to change related aids and services in a meeting consistent with the requirements of Section 504.

REPORTING REQUIREMENT:

By **June 1, 2019**, the District will submit documentation to OCR showing that the training identified in paragraph 3 was completed. The documentation shall include: (1) the name and title of all staff who attended the training (2) the date of the training session; (3) a description of the presenter's background and qualifications with respect to knowledge of 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. §§ 104.35 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 Resolution 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 60 calendar days to cure the alleged breach.

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

Signature of Superintendent (or Designee)

(Date)

Printed Name of Superintendent (or Designee)