

**RESOLUTION AGREEMENT**  
**Palm Beach County School District, FL**  
**Complaint #04-18-1478**

OCR and the Palm Beach County School District (the 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 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.

**Student-Focused Remedy**

1. Within **30** calendar days of this agreement, the District will provide an opportunity for the Student to re-audition for the Bak Middle School of the Arts (Bak) Dance program, for the 2018-2019 school year. The District will ensure the Student is provided with the appropriate accommodations.

**Reporting Requirement:** The District will provide documentation of the Student's audition score sheets, audition committee notes, and any accommodations that were provided, by **October 1, 2018**.

**Reporting Requirement:** If the Student declines the offer to re-audition, the District will provide documentation showing that the Student declined the offer, by **October 1, 2018**.

2. If the Student's audition score is determined eligible for admission, the District will ensure the Student is placed in the Dance program wait pool for the 2018-2019 school year.

**Reporting Requirement:** By **October 15, 2018**, the District will provide OCR with documentation of the Student's name in the Bak Dance program wait pool.

3. If the Student's audition score is determined ineligible for selection, the District will inform the Student, in writing, of the opportunity to audition for the 2019-2020 school year, and provide evidence to OCR by **October 15, 2018**.

**Training Remedy**

By **December 31, 2018**, the District will provide Section 504 training to all staff at Plumosa School of the Arts, regarding the requirements of Section 504 and Title II, as it relates to a Free Appropriate Public Education (FAPE), including “Child Find” and the implementation of IEPs and Section 504 plans.

**Reporting Requirement:** By **January 31, 2018**, the District shall produce documentation that the training required has concluded. The documentation shall include: (1) documentation identifying the persons designated to ensure the District’s compliance with Section 504 and Title II at the School; (2) documentation of the presenter’s experience and background relevant to Section 504 and Title II; (3) a copy of the presentation materials disseminated; (4) sign-in sheets showing School staff that received the training by name and title; and (5) a plan for provision of the training materials to any staff unable to attend the training.

\_\_\_\_\_  
Dr. Donald E. Fennoy II, Superintendent or Designee  
Palm Beach County School District

\_\_\_\_\_  
Date