

**Resolution Agreement
Escambia County School District
OCR Complaint No. 04-18-1529**

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and Escambia County School District (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 OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in educational programs and activities receiving Federal financial assistance (FFA) from the Department; 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 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 Remedy

1. By **December 31, 2018**, the District will review the grades the Student received on all classroom and homework assignments during the spring 2018 semester in World History, Marine Science and Spanish classes to determine whether the Student was penalized for turning in any assignments late, in a manner that would be inconsistent with his Section 504 Plan. If the District determines that the Student's grade on any assignment was penalized, it will remove the penalty for the assignment and recalculate the Student's overall grade for the course.

Reporting Requirements: By **February 1, 2019**, the District will provide documentation to OCR to demonstrate that it reviewed the Student's assignments in World History, Marine Science, and Spanish, and adjusted the Student's grades, if necessary, consistent with Item 1(a) above, including: (a) the name(s) and title(s) of the individual(s) who reviewed the Student's assignments; (b) a list of assignments that were reviewed; and (c) a statement regarding the result of the review for each assignment. The District will also provide OCR with a copy of the Student's grades including all revisions, as applicable.

Section 504 and Title II Training

2. By **December 31, 2018**, the District will provide training to all School staff, Section 504 Coordinator(s), administrators and other relevant staff who have responsibility for implementing students' Section 504 Plans. The training will consist of an

overview of the Section 504 and Title II legal standards regarding nondiscrimination, the development of Section 504 Plans, and the requirements for implementing Section 504 Plans. The training will also include the prohibition of retaliation and harassment based on disability.

Reporting Requirements: By **February 1, 2019**, the District will provide documentation to OCR demonstrating that training was provided consistent with Item 2(a) above, including: (a) the name(s) and credentials of the individual(s) who conducted the training; (b) a list of the individuals who attended the training and their positions; (c) the date(s) of the training was conducted; and (d) copies of any training materials disseminated.

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. §104.33, and 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.

/s/ Lisa W. Joyner, Ed.D.
Superintendent or Designee

10/23/2018
Date

Lisa Joyner, District 504 Coordinator
Printed Name and Title