

Resolution Agreement
Charlotte County Public Schools (FL)
OCR Complaint No. 04-19-1198

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and Charlotte County Public Schools (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), 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. § 12132, and its implementing regulation at 28 C.F.R. Part 35.

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 Remedies

1. The District will remove any disciplinary actions that the Student received between October 29, 2018 and March 6, 2019 from his educational file.

REPORTING REQUIREMENT: By **September 30, 2019**, the District will submit to OCR documentation of the District's removal of these disciplinary referrals.

2. The District will offer to provide the Student with tutoring for the two (2) hours of educational time he missed on February 5, 2019. The District shall give the Complainant 10 days to accept the offer.

REPORTING REQUIREMENT: By **September 30, 2019**, the District will submit to OCR documentation of the District's offer of the two (2) hours of tutoring. If the Complainant accepts the offer, the District will submit documentation that the two (2) hours of tutoring were provided or made available to the Student.

Student Focused Remedies/Compensatory Education

3. By **September 30, 2019**, after providing proper written notice to the Student's parents, a group of knowledgeable persons, including the parents, will determine whether the Student needs compensatory and/or remedial services for the period between when the District implemented his first 504 Plan and his second 504 Plan (October 29, 2018 to March 6, 2019).
4. If the group determines that compensatory and/or remedial educational services are needed, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **March 1, 2020**. 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 parents notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIREMENT: By **October 7, 2019**, 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, if such services are determined to be necessary.

If applicable, by **March 15, 2020**, the District will provide OCR with applicable documentation demonstrating that the compensatory and/or remedial services (if any) were provided.

Training

5. By **November 1, 2019**, the District will conduct training of the XXXXXXXX (School) faculty and front office staff, including substitute teachers on the School's roster for the 2019-2020 school year, regarding the requirements of 504 and Title II, including harassment on the basis of disability.

REPORTING REQUIREMENT: By **November 15, 2019**, the District will provide documentation to OCR demonstrating that the District conducted the 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 Section 504 and Title II; and (4) a copy of the agenda and the training materials disseminated.

If any faculty, front office staff, or substitute teachers are unavailable to attend the training referenced in paragraph 5 herein, the District will provide those individuals with copies of all training materials disseminated during the meeting. The District must provide documentation to OCR by **November 15, 2019**, demonstrating that individuals who were absent from the training were provided copies of 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. § 104.34(a)-(c); 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.

Superintendent or Designee

Date