

RESOLUTION AGREEMENT
St. Johns County School District (Florida)
OCR Case No. 04-19-1320

The U.S. Department of Education, Office for Civil Rights (OCR) and the St. Johns County School District (District) enter into this Resolution Agreement (Agreement) to resolve the allegation in the above-referenced complaint. This Agreement does not constitute an admission of wrongdoing or liability 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. Section 794, and its implementing regulation, 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, 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 asked to resolve the issues of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to ensure compliance with Section 504 and Title II, and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions:

Item 1: Service Animal Policy

1. Within sixty (60) days of the execution of this Agreement, the District shall submit to OCR its revised policy or procedure to permit the use of a service animal by an individual with a disability consistent with the provisions of Section 504 at 34 C.F.R. §§ 104.4(a); 104.4(b)(vii) and Title II at 28 C.F.R. §§ 35.104 and 35.136.
2. Within sixty (60) days after the District's revision of its Service Animal Policy consistent with the requirements of Section 504 at 34 C.F.R. §§ 104.4(a); 104.4(b)(vii) and Title II at 28 C.F.R. §§ 35.104 and 35.136, the District will:
 - a. adopt, implement, and disseminate the approved Service Animal Policy to all current District and School administrators, faculty, teachers, and bus drivers.
 - b. publish the Service Animal Policy on the District's website and on the websites of each local school that maintains an additional local school website for the public.
 - c. post a written notice in prominent areas around the District and school facilities stating that the District permits the use of a service animal by an individual with a disability, and the District will not engage in any act or practice that has the purpose or effect of discriminating against an individual with a disability in the use of a service animal in accordance with Title II (28 C.F.R. §§ 35.104, 35.136); the notice should also provide information on the location of the District's Service Animal Policy.
 - d. send an electronic notification to the e-mail address on file for all parents/guardians notifying them of the revised Service Animal Policy, including a link to the full Service Animal Policy.

Reporting Requirement: Within sixty (60) days of the execution of this Agreement, the District shall submit to OCR its revised policy or procedure to permit the use of a service animal by an individual with a disability consistent with the provisions of Section 504 at 34 C.F.R. §§ 104.4(a); 104.4(b)(vii) and Title II at 28 C.F.R. §§ 35.104 and 35.136.

Within one hundred twenty (120) days of the execution of this Agreement, the District will provide OCR with documentation that demonstrates that it has adopted, implemented and disseminated the Service Animal Policy to all current District and school administrators, faculty, teachers, and bus drivers; published the Service Animal Policy on its website, and on the websites of each local school that maintains an additional local school website for the public; and provided electronic notice to the e-mail address on file for all parents/guardians notifying them of the revised policy, including a link to the full Service Animal Policy, as well as posting a notice in prominent areas of District and school facilities.

Item II: Training for District Faculty and Staff

1. The District will provide training on the Section 504 and Title II nondiscrimination obligations to individuals with disabilities who use service animals and on the terms and conditions of the District's revised Service Animal Policy. The training will address, at minimum, general obligations under Section 504 and Title II to grant access to individuals who use service animals; guidelines and examples explaining the bases for excluding a service animal; and clarification that there is no requirement that the student or visitor provide evidence of his or her disability or evidence of the animal's certification.
2. Within sixty (60) days of the execution of this Agreement, the District shall provide the training to all school administrators, as described in Paragraph 1, Item II-Training for District Faculty and Staff.
3. Within one hundred twenty (120) days of the execution of this Agreement, , the District shall provide the training, as described in Paragraph 1, Item II-Training for District Faculty and Staff, to all District faculty, teachers, para-professionals/aides, and bus drivers, as well as any staff who deal directly with members of the public.

Reporting Requirement: Within thirty (30) days of completion of the training referenced in Item II, Paragraphs 1 and 2, above, the District will provide documentation demonstrating the following: a) the date, time and location of the training; b) an outline of the training and/or copy of the materials disseminated at the training; c) the name(s), title(s), and credentials of the individual(s) who conducted the training; d) the name and title of each individual who attended the training (including dated sign-in sheets with the attendees' names, titles, and work locations); and, e) the total number of staff members not in attendance and the measures taken by the District to ensure that each is provided the training materials and an opportunity to ask questions to clarify the materials.

The District understands that by signing this Agreement, it agrees to provide the 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, 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 regulation implementing Section 504 at 34 C.F.R. Part 104 and Title II at 28 C.F.R. Part 35, which was at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close 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 Superintendent or designee below.

By: _____/s/_____ Date: _____7/2/19_____

Superintendent or Designee