

Resolution Agreement
Broward County Public Schools (FL)
OCR Complaint No. 04-19-1446

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and Broward 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. By **December 15 2019**, after providing proper written notice to the Student's parent(s), a group of knowledgeable persons, including the parent(s) will develop a plan to provide a free appropriate public education to the Student based on his individual educational needs under Section 504 and/or IDEA. 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.

REPORTING REQUIREMENT: By **December 31, 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, a copy of the Student's evaluation report, a copy of the minutes of the meeting held to determine whether the Student's needs for services to meet his individual educational needs, and a description of the services that will be provided to the Student, if such services are determined to be necessary.

2. The District will offer, in writing, to provide the Student with tutoring for 3 hours every month for the remainder of the 2019-2020 school year as part of his compensatory and/or remedial services for the 2019-2020 school year. The District shall give the Complainant 10 days to accept the offer, in writing.

REPORTING REQUIREMENT: By **December 15, 2019**, the District will submit to OCR documentation of the District's offer of tutoring in accordance with Item 1 above. If the Complainant accepts the offer, by **December 27, 2019**, the District will submit documentation that tutoring was provided or made available to the Student by **May 30, 2020**.

Student Focused Remedies/Compensatory Education

3. By **December 15, 2019**, after providing proper written notice to the Student's parent(s), a group of knowledgeable persons, including the parent(s), will determine whether the Student needs compensatory and/or remedial services for the 2018-2019 school year.
4. By **December 31, 2019**, 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 **May 30, 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 **December 31, 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.

5. By **May 30, 2020**, the District will provide any compensatory services referenced in Item 3 and Item 4 above.

REPORTING REQUIREMENT: By **June 15, 2020**, the District will provide OCR with applicable documentation demonstrating that the services were provided.

Training

6. By **March 1, 2020**, the District will provide training for the XXXX XXXXX and XXXXX, regarding the requirements of 504 and Title II including parental rights, 504 Committee meetings, and the development and implementation of 504 Plans.

REPORTING REQUIREMENT: By **April 15, 2020**, the District will provide documentation to OCR demonstrating that the District provided the training described above. The documentation shall include: (1) the date of the training session; (2) a list of names and titles of the participants; (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. § 104.34(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