

**RESOLUTION AGREEMENT**  
**Flagler County School District**  
***OCR Case No. 04-19-1508***

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of a complaint against Flagler County School District (the District) pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulations at 34 C.F.R. §§ 104.4, 104.37 and Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. § 35.130

Prior to the completion of OCR's investigation, District asked to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. OCR has not issued findings concerning issues of the above-referenced complaint. This Agreement does not constitute an admission of wrongdoing or liability by the District pursuant to Section 504, and Title II. 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:

**Action Item 1- Student Remedy:**

By January 31, 2020, the District will provide the parent of the Student a written offer of an opportunity to take a picture with the Principal by May 31, 2020. This offer will give the parents until May 31, 2020, to take such picture after reasonable notice has been provided to the Principal by the parent.

**Reporting Requirement:**

By January 31, 2020, the District will provide documentation to OCR demonstrating that the District has issued the offer to take a picture with the Principal, as described in Action Item 1.

**Action Item 2 – Training for School Staff:**

By May 31, 2020, the District will provide training to Bell Terre Elementary School (School) administrators, and special education teachers on the following (a) the Section 504/Title II requirements that all school districts ensure that students with disabilities are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under the District's programs or activities on the basis of disability<sup>1</sup>; and that (b) the 504/Title II requirements that all school districts provide students with disabilities an equal opportunity to participate in non-academic or extracurricular services and activities.<sup>2</sup>

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<sup>1</sup> See the Section 504 implementing regulation at 34 C.F.R. § 104.4, and the Title II implementing regulation at 28 C.F.R. § 35.130.

<sup>2</sup> See the Section 504 implementing regulation at 34 C.F.R. § 104.37. Additionally, when a school district has sufficient information that a student with a disability requires reasonable modifications to participate in a nonacademic or extracurricular service or activity, the district must take steps to determine whether it could provide a reasonable modification that would allow the student the opportunity to participate without fundamentally altering the nature of the nonacademic or extracurricular activity. One way of meeting this obligation is to hold a meeting with a group of persons knowledgeable about the student to decide whether there are any reasonable modifications or aids and services that could be provided to the student in the activity.

**Reporting Requirement:**

By May 31, 2020, the District will provide documentation to OCR demonstrating that the District provided training pursuant to this Item. The documentation shall include: (1) the date of the training sessions; (2) name and contact information of the faculty and staff who attend the training sessions; (3) a description of the presenter's background and qualifications; and (4) a copy of the agenda and the training materials disseminated.

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 regulations implementing Section 504, at 34 C.F.R. §§ 104.4. and 104.37, and Title II at 28 C.F.R. § 35.130, which were 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 a minimum of sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below.

By: \_\_\_\_\_/S/\_\_\_\_\_ Date: \_\_\_\_1/17/2020\_\_\_\_\_  
District Superintendent or Designee