

**Resolution Agreement
Volusia County Schools (FL)
OCR Complaint No. 04-20-1105**

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and Volusia County Schools (District) enter into this Resolution Agreement (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. If the Student re-enrolls in one of the District's Extended Day Enrichment Programs (Program), within ten (10) calendar days, the District will invite, in writing, the Student's parent/guardian to meet with personnel designated by the District and determine what, if any, related aids and services provided for in the Student's IEP are transferrable to the Program or are needed for the Student to maintain his access to or participation in the Program. The parent/guardian has ten (10) days to accept, in writing, this offer on behalf of the Student.

REPORTING REQUIREMENT: By **September 15, 2020**, the District will submit to OCR documentation of the District's written offer to the Complainant's home address and/or email address, as required by Item #1.

Policies and Procedures

2. The District will revise the Volusia County Schools Extended Day Enrichment Program Handbook (Handbook) to include (a) a Statement or Notice of Nondiscrimination on the basis of disability; and (b) the name or title, address, and telephone number of the employee designated to coordinate the District's efforts to comply with the regulations implementing Section 504 and Title II in the notice of nondiscrimination.

REPORTING REQUIREMENT: By **September 1, 2020**, the District will provide OCR with a revised copy of the Handbook that includes the information described and required by Item #2 (a) and (b).

3. The District will revise its procedures regarding the issuance of Citizenship Warning Slips to students in the Program to ensure that its use is consistent with requirements of Section 504 and Title II and are used only to report actual discipline infractions and not to communicate general concerns regarding behavior to parents to avoid activating the Program's behavior and conduct policy without justification.

REPORTING REQUIREMENT: By **September 1, 2020**, the District will provide OCR with a copy of the District's revised policy and procedures.

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. §§ 104.4 and 104.34(b); 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.

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

Superintendent or Designee

Date