

RESOLUTION AGREEMENT
Hillsborough County School District, FL
OCR Docket Number 04-22-1636

The U.S. Department of Education, Office for Civil Rights (OCR) and Hillsborough County School District (District) enter into this Resolution Agreement (Agreement) to resolve the allegation in Complaint #04-22-1636 and to ensure compliance with Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department of Education, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities.

Accordingly, the Agreement reflects actions the District will take to ensure compliance with Section 504 and Title II. The District agrees to implement the actions described below:

ACTION ITEM 1 – SERVICE ANIMAL POLICY:

1. **Within sixty (60) days of the execution of this Agreement**, the District shall develop a proposed revision to its policy on the use of service animals to ensure that the policy complies with the requirements of Section 504 and Title II.
2. **Within ninety (90) days of the execution of this Agreement**, the District will submit the proposed revised policy to OCR for review and approval.
3. The District’s proposed revised service animal policy will comply with Section 504 and its implementing regulation at 34 CFR § 104.4, and Title II and its implementing regulation at 28

C.F.R §§ 35.104, 35.130 and 35.136 and will make modifications to eliminate unnecessary procedures and/or clarify the District staff role(s) in the process as outlined below.

(a) Remove the reference to “the principal” and add language that identifies a district level multidisciplinary team who will be responsible for asking the following two questions: 1) if the animal is required because of a disability; and 2) what work or tasks the animal has been trained to perform. Generally, the District may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (*i.e.*, the dog is observed guiding an individual who is blind or has low vision, pulling a person’s wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability.)

(b) Clarify which parts of the policy are required for school personnel vs. the parent/student. For example, indicate that the Checklist for Principals is to assist school personnel with acclimating the handler and service animal to the school campus.

(c) Move Item A, “[a] completed Implementation Plan...” under the heading “Required Documentation for Service Animals for Students to the section titled, “Implementation Plan

for a Student's Use of a Service Animal at School.”

(d) Clarify and/or reword Item B under the heading Required Documentation for Service Animals for Students to reflect the required immunizations/requirements more specifically under F.S. 828.30.

Reporting Requirements:

Within ninety (90) days of the execution of this Agreement, the District will submit to OCR for review and approval a copy of the proposed revised policy on the use of service animals and all accompanying forms used to implement the policy. **Within 120 days of receipt of notice of OCR's approval of the proposed revised policy and all accompanying forms**, the District will submit to OCR documentation demonstrating adoption and implementation of the policy, including, but not limited to, a copy of the policy, evidence of publication, and notification to administrators, faculty, staff, parents and students of the revised policy. The District will also publish the revised service animal policy in prominent locations on the District's website and provide OCR with the updated link(s) to the revised service animal policy.

ACTION ITEM 2 - TRAINING:

1. **Within ninety (90) days of the District's adoption of the revised service animal policy**, the District will provide training to District administrators on (a) the District's nondiscrimination obligations pursuant to Section 504 and Title II to individuals with disabilities who use service animals; and (b) the terms and conditions of the service animal policy adopted pursuant to Action Item 1. The administrators will in turn take the information back to their respective school sites to train faculty and staff who interact with students, parents/guardians, and members of the public.

Reporting Requirement:

Within one hundred twenty (120) days of the District's adoption of the service animal policy, the District will submit to OCR documentation demonstrating that it provided the required training on the revised policy. The documentation shall include the background and qualifications of the presenters/trainers; a copy of the transcript(s)/materials used for the training; dated sign-in sheets that include the administrators' names and titles that completed the training; and the District's plans to provide the training to administrators who were unable to attend the training.

By signing the Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. During the monitoring of the 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 the Agreement.

The District understands that OCR will not close the monitoring of the Agreement until such time as OCR determines that the recipient is in compliance with the terms of the Agreement and the statute(s) and regulation(s) at issue in the case.

The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms of the Agreement and the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the recipient written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/
Superintendent or Designee
Hillsborough County School District

5/11/23
Date

Printed Name