

RESOLUTION AGREEMENT
Hillsborough County Public Schools
OCR Docket # 04-23-1128

Hillsborough County Public Schools enters into this Resolution Agreement to resolve the above-referenced complaint. The school system assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, 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 recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the school system voluntarily agreed to resolve the investigation pursuant to Section 302 of OCR's *Case Processing Manual*. This Agreement does not constitute an admission of wrongdoing or liability by the school system. Accordingly, the school system voluntarily agrees to take the following actions:

Item 1

By **June 30, 2023**, the school system will invite the Student to re-enroll at the School for the Fall 2023 semester. If the Student re-enrolls, then consistent with the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, and after providing proper written notice to the Student's parent(s), the school system will convene a Section 504 meeting for the Student with a group of knowledgeable persons, including the Student's parent/guardian(s), by **October 20, 2023**, to determine whether the Student needs compensatory or remedial services, including for any instructional time or other educational services lost or missed due to transportation issues. If so, within one week of its determination, the group will develop a plan for providing timely compensatory or remedial services at no cost to the Student's parent or guardian with projected end dates of the services not to extend beyond **February 16, 2024**, and such services will be incorporated into the Student's current Section 504 plan. The school system will provide the parent/guardian(s) with a meaningful opportunity to provide input into these determinations and notice of the determinations made. The school system will also provide the Student's parent/guardian(s) notice of procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIREMENT:

If the Complainant accepts the offer to re-enroll the Student, then by **November 3, 2023**, the school system will provide a copy of the Student's most current Section 504 plan and meeting minutes from the above referenced Section 504 meeting. The school system will also submit to OCR documents supporting the group's decision, including documentation showing the participants in the meeting, an explanation for decisions made, and the information considered. If compensatory and/or remedial services are determined necessary, the school system will also provide a description of and schedule for providing these services. Then, by **March 15, 2024**, if the school system decides that compensatory and/or remedial services are needed, the school system will provide documentation to OCR

of the dates, times, and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

If the Complainant does not accept the offer to re-enroll the Student, then by **September 20, 2023**, the school system will notify OCR and provide any other applicable documentation confirming this action.

Item 2

By **October 20, 2023**, consistent with the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, and after providing proper written notice to the student's parent(s), the school system will convene an Individual Education Program (IEP) meeting for the other student (Student 2) with a disability identified by the school system who requested accommodations related to transportation and experienced delays in receiving them during the 2022-2023 school year, with a group of knowledgeable persons, including Student 2's parent/guardian(s), at the beginning of the Fall 2023 semester to determine whether the student needs compensatory or remedial services, including for any instructional time or other educational services lost or missed due to transportation issues. If so, within one week of its determination, the group will develop a plan for providing timely compensatory or remedial services at no cost to Student 2's parent or guardian with projected end dates of the services not to extend beyond **December 15, 2023**, and such services will be incorporated into Student 2's current IEP. The school system will provide the parent/guardian(s) with a meaningful opportunity to provide input into these determinations and notice of the determinations made. The school system will also provide Student 2's parent/guardian(s) notice of procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIREMENT:

By **November 3, 2023**, the school system will provide a copy of Student 2's most current IEP and meeting minutes from the above referenced IEP meeting. The school system will also submit to OCR documents supporting the group's decision, including documentation showing the participants in the meeting, an explanation for decisions made, and the information considered. If compensatory and/or remedial services are determined necessary, the school system will also provide a description of and schedule for providing these services.

By **January 15, 2024**, if the school system decides that compensatory and/or remedial services are needed, the school system will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

Item 3

By **October 20, 2023**, the school system will provide Section 504/Title II training to relevant school staff members including those involved in creating and implementing IEPs and Section 504 plans on: the team's duties and responsibilities regarding determining whether a student with a disability needs special transportation to and from school; regarding FAPE generally; and

regarding FAPE as it relates to a need to consider compensatory education services for lapses in receiving required transportation services.

REPORTING REQUIREMENT:

By **November 17, 2023**, the school system will provide OCR with a written report confirming the completion of training specified in Item 3. The documentation shall include: (1) the background and qualifications of the presenters or trainers; (2) a copy of the materials used for the training; and (3) a signed and dated list of the participants' names and titles that completed the training, including the school system's plan to provide the training to school staff who were unable to attend the scheduled training session(s).

By signing the resolution agreement, the school system 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 school system, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the school system has fulfilled the terms of the resolution agreement

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

The school system understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings in the event of breach. Before initiating such proceedings, OCR will give the school system written notice of the alleged breach and 60 calendar days to cure the alleged breach.

Hillsborough County Public Schools Superintendent
(If designee, please print title below)

Date