

RESOLUTION AGREEMENT
Melbourne SD
OCR Complaint #06-18-1435

The U.S. Department of Education, Office for Civil Rights, (OCR) and the Melbourne School District (the District) enter into this resolution agreement (Agreement) to voluntarily resolve the above-referenced complaint. 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. Section 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. Sections 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.

The District agreed to voluntarily resolve the complaint under investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the District agrees to take the following actions.

Action Item #1 – Evaluation

The District shall provide notice to the Complainant that the District will conduct an evaluation of the Student to identify the Student's need for special education or related aids and services, including, but not limited to, an evaluation for [XXXX], consistent with Section 504 and Title II and their implementing regulations, at 34 C.F.R. §§ 104.33 and 104.35, and 28 C.F.R. § 35.130, respectively.

Reporting Requirement #1

- a) **Within 60 days** of the signing of this Agreement, the District will submit to OCR documentation evidencing that the District provided notice to the Complainant in accordance with Action Item 1.

- b) **Within 15 days** of any evaluation of the Student in accordance with Reporting Requirement 1(a), the District will submit to OCR documents reflecting the evaluation and meeting, including documents that support the committee's evaluation decision. The documentation submitted shall include, at a minimum:
 - 1) Meeting minutes and related documentation indicating that the meeting occurred;
 - 2) The participants in the meeting;
 - 3) An explanation of the decision made regarding the Student's evaluation for autism and subsequent placement;
 - 4) The information considered for this decision; and
 - 5) A copy of the Student's revised Individualized Education Program (IEP), if applicable.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II.

The District also 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 the Agreement. Further, the District understands that 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 necessary for OCR to determine whether the District has fulfilled the terms of the Agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the 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 proceeding 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.

Mr. Dennis Sublett, Superintendent
Melbourne School District

Date