RESOLUTION AGREEMENT
Lee County School District
OCR Complaint No. 06-21-1137

The U.S. Department of Education, Office for Civil Rights (OCR) and the Lee County School District (LCSD) enter into this 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 LCSD. The LCSD 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) and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance; Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities; and Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §2000d, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color, or national origin by recipients of Federal financial assistance.

Prior to the completion of OCR’s investigation, the LCSD agreed to resolve the issues under investigation pursuant to Section 302 of OCR’s Case Processing Manual. Accordingly, to resolve the issues of this complaint, the LCSD agrees to take the following actions.

ACTION ITEMS & REPORTING REQUIREMENTS:

Action Item 1: Staff Training (Section 504 and Title II)

By July 1, 2022, the LCSD will provide training regarding its obligation under Section 504 and Title II to provide a free appropriate public education (FAPE) to all qualified students with disabilities residing within its jurisdiction, as well as the prohibitions against disability discrimination and retaliation. The training should be provided to all relevant personnel in the LCSD, including, but not limited to, administrators, faculty, counselors, and Title II/ADA and Section 504 Coordinators. The training will be conducted by an individual who is knowledgeable about the laws and issues pertaining to disability discrimination and the evaluation of students who are or are believed to be disabled. The training shall address, at a minimum:
A. The LCSD’s policies and procedures for carrying out its responsibilities under Section 504 and Title II to provide a FAPE to each qualified disabled person who is within the LCSD’s jurisdiction, regardless of the nature or severity of the person’s disability;

B. The LCSD’s obligation to identify, evaluate and re-evaluate students who, because of disability, need or are believed to need special education or related aids and services, pursuant to Section 504, at 34 C.F.R. § 104.35;

C. The LCSD’s obligation to provide procedural safeguards, pursuant to Section 504, at 34 C.F.R. § 104.36; and

D. The prohibition against retaliation by the LCSD against an individual for opposing an act or policy that is unlawful under any of the laws that OCR enforces, including Section 504 and Title II.

Reporting Requirement: Action Item 1

By **July 1, 2022**, the LCSD will provide to OCR documentation demonstrating that relevant personnel have received the training referenced in Action Item 1 above, including the date(s) of the training(s); the name(s), title(s), contact information, and qualification(s) of the trainer(s); a copy of all training materials used and distributed during the training(s); and a sign-in sheet with the names and titles of individuals who attended the training(s).

**Action Item 2: Staff Training (Title VI)**

By **July 1, 2022**, the LCSD will provide training regarding Title VI’s prohibition of discrimination on the bases of race, color, and national origin as well as its prohibition against retaliation. The training should be provided to all relevant personnel in the LCSD, including, but not limited to, teachers, administrators, faculty, and counselors. The training will be conducted by an individual who is knowledgeable about the laws and issues pertaining to discrimination based on race, color, and national origin. The training shall address, at a minimum:

A. Title VI’s prohibition against excluding an individual from participation in, denying an individual the benefits of, or otherwise subjecting an individual to discrimination under any program provided by the LCSD because of the individual’s race, color, and national origin; and

B. The prohibition against retaliation by the LCSD against an individual for opposing an act or policy that is unlawful under any of the laws that OCR enforces, including Title VI.
Reporting Requirement: Action Item 2

By **July 1, 2022,** the LCSD will provide to OCR documentation demonstrating that relevant personnel have received the training referenced in Action Item 2 above, including the date(s) of the training(s); the name(s), title(s), contact information, and qualification(s) of the trainer(s); a copy of all training materials used and distributed during the training(s); and a sign-in sheet with the names and titles of individuals who attended the training(s).

The LCSD understands that, by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the LCSD understands that, during the monitoring of this Agreement, if necessary, OCR may visit the LCSD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the LCSD has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. Part 104, Title II and its implementing regulation at 28 C.F.R. Part 35, and Title VI and its implementing regulation at 34 C.F.R. Part 100. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The LCSD 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 LCSD 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 LCSD’s representative below.

___________________________________________
Superintendent or Designee’s Name/Title

/s/

Superintendent or Designee’s Signature            Date