

## **RESOLUTION AGREEMENT**

### **Lee County Public Schools**

### **OCR Case No. 11-16-1256**

Lee County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-1256. This Agreement does not constitute an admission by the Division of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

#### **Action Item A: Student A**

1. By December 1, 2017, after providing proper written notice to Student A's parent/guardian, the Division will convene a group of persons knowledgeable about Student A, making all reasonable efforts to include the parent/guardian, with the purpose of determining whether Student A requires compensatory and/or remedial services for the time period beginning XXXX in which the Division did not evaluate Student A to determine whether he was eligible to receive special education and/or related aids and services under Section 504 or the Individuals with Disabilities Education Act (IDEA). If it is determined that compensatory and/or remedial services are needed, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 30, 2018. The Division will provide Student A's parent/guardian with notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

#### **Reporting Requirements:**

- a. Within one week of convening the group of knowledgeable persons, the Division will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to Student A, the notice of procedural safeguards, the written invitation to Student A's parent/guardian, and a list of meeting attendees. OCR will review the documentation submitted to ensure that the Division met the procedural and other requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations.
- b. Within 10 calendar days after receiving OCR's approval, the Division will provide the Student A's parent/guardian with written notice of the outcome of the meeting, including an explanation for decisions made and a description of and schedule for providing compensatory and/or remedial services (if any) to Student A. The Division will provide a copy of this written notice to OCR.
- c. By July 15, 2018, and if applicable, the Division will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided to Student A, a description of what was provided, and the name(s) of the service provider(s).

### **Action Item B: Training**

1. By February 1, 2018, the XXXX (the School) will develop and provide training to School teachers and administrators on the requirements of Section 504 and Title II. The training will emphasize the Division's obligations under Section 504 to provide a free appropriate public education (FAPE) to students with disabilities, specifically, by identifying and evaluating students suspected of having a disability, and developing and implementing an Individualized Education Program (IEP) or Section 504 Plan, in accordance with Section 504.

### **Reporting Requirements:**

- a. Within 45 calendar days, the Division will submit for OCR's review and approval the proposed training materials as described in Action Item B above. The Division will also identify the individual(s) who will conduct the training and their qualifications.
- b. Within 45 calendar days of written notification from OCR of its approval of the training, the Division will provide documentation to OCR demonstrating that training was provided consistent with Action Item B above, including: (a) the name(s) of the individual(s) who conducted the training; (b) a list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; and, (d) copies of any training materials disseminated (if different from the materials provided in response to Action Item B above.

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

The Division 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 Division written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

By: \_\_\_\_\_/s/\_\_\_\_\_

Date: \_\_\_\_\_10/5/2017\_\_\_\_\_