

RESOLUTION AGREEMENT
Lee County Public Schools
OCR Case No. 11-17-1589

Lee County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-17-1589. 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.

By April 30, 2018, after providing proper written notice to the Student's parent/guardian, the Division will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the Student's parent/guardian, with the purpose of determining whether the Student requires compensatory and/or remedial services for the time period that the Student was placed on XXXX during the XXXX and XXXX¹ school years. 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 the Student'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 notes 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 the Student, the notice of procedural safeguards, the written invitation to the Student'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'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 the Student. The Division will provide a copy of this written notice to OCR.
- c. By July 30, 2018, and if applicable, the Division will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial

¹ To the extent that the Division asserts that it previously convened a group of persons knowledgeable about the Student to determine whether any compensatory and/or remedial services were required with respect to the XXXX and XXXX school years, the Division may submit such documentation for OCR's review. OCR will determine whether any such documentation satisfies the provision(s) in the Agreement with respect to those timeframes.

services were provided to the Student, a description of what was provided, and the name(s) of the service provider(s).

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: 03/27/2018
Dr. Brian T. Austin
Superintendent
Lee County Public Schools