

**Resolution Agreement**  
**Seminole County Public Schools, FL**  
**OCR Docket Number 04-15-1005**

The U.S. Department of Education (Department), Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint filed against Seminole County Public Schools (District), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the Department; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131, *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. To ensure compliance with the above-referenced laws and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions:

**STUDENT REMEDY**

1. a) In the event that the Complainants choose to reenroll the Student in a District school during the 2015-16 school year, the District shall, **within 30 days of the Student's reenrollment**, after providing proper written notice to the Student's parents/guardian, evaluate the Student to determine: whether he needs to receive XXXXXXXX  
XXXXXXXXXX XXXXXXXXXXXX (XXX) XXXXXXXX in order to receive a free appropriate public education (FAPE); whether the Student has an individual disability-related need for a shortened school day; and whether the Student needs compensatory and/or remedial services as a result of the District's failure to consider a reasonable modification to the District's attendance policy when it evaluated the Student's need for XXX XXXXXXXX or a shortened school day. The evaluation process will include consideration of whether the Student requires a reasonable modification of the District's attendance policy, as well as other appropriate materials from a variety of sources. The District will provide the Student's parents with notice of Section 504 procedural safeguards, including the right to challenge the Individualized Education Program (IEP) team's (Team's) determination(s) through an impartial due process hearing.
  
- b) In the event that the Team determines that the Student needs XXX XXXXXXXX to receive a FAPE and/or needs a shortened school day, the Team will revise the Student's IEP to specify the placement and services deemed necessary to meet the Student's disability-related needs.
  
- c) In the event that the Team determines that the Student needs compensatory and/or remedial services, **within 10 days of such determination**, the Team will develop a written plan for providing timely compensatory and/or remedial services.

**Reporting Requirements:**

**Within 30 days** of its completion of Item 1 a) above, the District will submit to OCR documentation showing its implementation of Item 1 a), including a copy of any meeting

minutes, a copy of any plan developed for the Student, documentation evidencing the participants in the meeting, an explanation for decisions made, the information considered (e.g., physician recommendations), documentation of input provided by the Student's parents or any service providers, documentation showing that procedural safeguards were provided to the Student's parents, copies of evaluation materials considered by the Team, and any other documentation relevant to the determinations reached in accordance with Item 1 a) above. If the Team determines that compensatory and/or remedial services are needed, the District will submit a description of, and schedule for, providing any compensatory and/or remedial services to the Student. OCR will, prior to approving the District's decision and plan for providing the proposed services, review the documentation to ensure that the District met the procedural requirements of the regulations implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35, and 104.36 in making these determinations.

**Within 30 days** of the conclusion of the District's provision of compensatory and/or remedial services to the Student, if any, as developed pursuant to Item 1 c) above, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of the service(s) provided, and the name(s) of the service provider(s).

## **TRAINING**

- 2. By the end of the 2015-16 school year**, and annually thereafter, the District will provide training to all staff members who are involved in the evaluation and placement process for students with disabilities, including the teaching and administrative staff, at XXXXXX XXXXXXXXXXXX XXXXXX regarding Section 504 legal standards concerning provision of FAPE. In particular, staff will be trained on Section 504 standards regarding: (1) reasonable modification of District policies and procedures to meet the needs of students with disabilities; (2) process requirements for evaluation and placement of students who, because of a disability, needs or is believed to need special education and related services; and (3) the District's obligation to make available services identified as necessary to provide a student a FAPE, rather than place the burden upon a student's parents to arrange for services.

### **Reporting Requirement:**

**Within 30 days** of the completion of the training, the District will submit to OCR documentation demonstrating the completion of the training for the appropriate District faculty, staff, and administrators. Such documentation should include: the date(s) of the training session(s); a copy of the agenda for the training; the name, position, and credentials of the trainer(s); and an attendance sheet signed by the participants that indicates their names and titles.

The District 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 this Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR

may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.4, 104.33(a) and (b), and 104.35, and 28 C.F.R. § 35.130.

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 at 34 C.F.R. §§ 104.4, 104.33(a) and (b), and 104.35, and 28 C.F.R. § 35.130, which were at issue in this case. 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 this agreement.

Further, the District understands that during the monitoring of this agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.4, 104.33(a) and (b), and 104.35, and 28 C.F.R. § 35.130, which were at issue in this 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 proceedings to enforce this agreement, OCR shall give the District written notice of the alleged breach and a sixty (60) calendar days to cure the alleged breach.

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District Representative

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Date

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Printed Name and Title