



U.S. Department of Justice

**Civil Rights Division**

Summary of  
Settlement Agreement  
between  
**The United States of America**  
and  
**The Pasco County School District**



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## Overview

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The Educational Opportunities Section of the United States Department of Justice’s Civil Rights Division and the United States Attorney’s Office for the Middle District of Florida (together, the “United States”) investigated allegations under Title II of the Americans with Disabilities Act that the Pasco County School District (the “District”) discriminated against students with disabilities in student discipline, in conducting threat assessments, and in making referrals to law enforcement.

The District fully cooperated with the United States during the investigation, and committed to improve its practices and encourage positive changes for students with disabilities. The United States and the District ultimately reached a Settlement Agreement (the “Agreement”) on March 5, 2024.

This document summarizes the Agreement. You can review the entire Agreement on the Department of Justice’s website ([here](#)).

***This summary is intended to raise awareness of the Settlement Agreement and share the steps the District is taking to better serve its students with disabilities. This summary is designed for those who may not have a legal background.***



## **General Terms**

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- The District will follow federal law **prohibiting discrimination based on disability**.
- The District will hire an **independent consultant** to help improve how it supports students with disability-related behaviors. The consultant will assist the District with:
  - Updating its discipline policies and practices;
  - Improving behavior-related supports and services for students with disabilities; and
  - Monitoring discipline data to identify concerns.

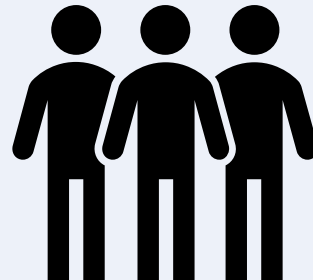




## **Staffing**

The District will appoint a **Behavior Support Coordinator** who will help provide students with disabilities better behavior-related supports and services in their classrooms. This includes designing and providing trainings for school staff.

At each school, the District will appoint one staff person who will supervise the process for providing behavior-related supports and services to students with disabilities (**School-Based Behavior Support Personnel**).





## **FBA and BIPs**

### **What is a Functional Behavior Assessment (FBA)?**

An FBA is a process used to define a target behavior, identify factors that contribute to that behavior, and determine the underlying reasons for that behavior. This analysis is used to develop an effective behavior intervention plan.

### **What is a Behavior Intervention Plan (BIP)?**

A BIP is a plan created for a specific student, and uses evidence-based interventions to respond to a behavior concern. BIPs are developed based on the findings from an FBA and focus on the target behaviors identified in an FBA.

## **HIGHLIGHTS**

- Teams at each school will meet every month to consider whether any students with disabilities would benefit from conducting an FBA and developing or adjusting a BIP.
- These teams must also evaluate whether to conduct an FBA or develop or adjust a BIP for a student with a disability within 14 days of a student's return to school after any of the following situations:
  - A Threat Management Team concluded that the student made a medium or high level threat;
  - Staff referred the student to law enforcement, or law enforcement arrested the student; or
  - Staff referred the student to a Mobile Response Team or law enforcement for an involuntary mental health evaluation under Florida's Baker Act.



## Changes to Code of Conduct and Student Discipline

The District will make important **updates to its Code of Conduct** to provide protections for students with disabilities in the discipline process, including the following:

- Require administrators who issue discipline to **consider the student's disability** in their decision and whether the student needs additional behavior supports or services; and
- Describe the range of **interventions and supports** that administrators and staff should attempt and document before removing a student from classroom instruction, including through in-school or out-of-school suspensions, expulsions, or transfers to an alternative education program;
- Require administrators and staff **referring students to law enforcement** to first consider, as long as there is not a significant risk of serious harm to the health or safety of a person, whether the student has a BIP, whether that BIP contains adequate supports and services, and whether the BIP was properly implemented.

**Deadline:** District will provide its revised Code to the United States for its review and approval by **June 1, 2024**, and will implement the changes by the **start of the 2024-25 school year**.



## Changes to Threat Assessment Process

The District will ensure that District staff are properly **considering student's disabilities when evaluating alleged threats made by those students.**

- The District will require that Threat Management Teams include at least one member of the Student Services Team (counselor, social worker, psychologist, etc.), and at least one person with knowledge of the student's disabilities.
- When evaluating alleged threats made by students with disabilities, Threat Management Teams will determine whether the behavior was related to their disability, whether the student received the services and supports outlined in their behavior plan, and whether the student's behavior could be addressed with changes to their services and supports. If the behavior could be addressed with supports, the District will not continue with the threat assessment process, and will instead provide modifications.
- Parents and guardians of students with disabilities will have the opportunity to provide input to Threat Management Teams who are evaluating alleged threats made by their child.
- After the threat assessment, Threat Management Teams will share information about their evaluation with the student's Individualized Education Plan (IEP) or Section 504 team.
- When referring a student to a Mobile Response Team or law enforcement, the Threat Management Team will also provide the information needed about the student's disability and any accommodations for that disability relevant to the conduct assessed as a threat.

**Deadline:** District will provide its revised Threat Assessment Process to the United States for its review and approval by **June 1, 2024**, and will implement the changes by the **start of the 2024 25 school year.**





## Changes to Law Enforcement Referral Policies and Practices

The District will implement changes to **protect students with disabilities from inappropriate referrals** to law enforcement.

- The District will provide **clear guidance on when it is appropriate for staff to contact law enforcement** to address student conduct.
- Unless there is an emergency, staff **must consider whether the student has a disability**, and whether the student needs additional behavior supports or services before contacting law enforcement.
- When contacting law enforcement, staff will **provide the officers or deputies with information about the student's disability** and any needed accommodations (e.g., behavior interventions).

The District will also ensure that school resource officers—police officers or deputies stationed on school campuses—are trained to work with students with disabilities.

**Deadline:** District will provide its revised law enforcement referral procedures to the United States for its review and approval by **June 1, 2024**, and will implement the changes by the **start of the 2024-25 school year**.



## Reintegration Policy

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**School staff will meet to discuss whether a student with a disability needs additional interventions and supports** to help them reintegrate into school after: removal of the student from classroom instruction, such as an in-school suspension, out-of-school suspension, expulsion, or transfer to an alternative program; or an absence of more than 3 days because of a threat assessment, a referral to law enforcement, or an involuntary mental health evaluation under Florida's Baker Act., The reintegration meeting must occur within one day of the student's return to school, and parents will have the opportunity to participate in the meeting.



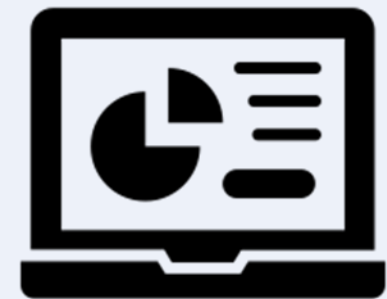


## Data Analysis and Review

Each month, District and School Administrators will review data related to the use of discipline, threat assessments, and referrals to law enforcement involving students with disabilities to identify any systemic issues.

School administrators and Student Services Teams will **meet monthly to review the referral of any student with a disability for a threat assessment or to law enforcement** during the previous quarter. These teams will look at:

- Whether the behavior that led to the threat assessment or law enforcement contact could have been prevented with proper supports and services;
- Whether the student was provided with the supports and services in the student's BIP before they were referred for a threat assessment or to law enforcement; and
- Whether there is any action that school staff can take to ensure that the student is receiving the supports and services they need.





## Staff Training

The District will **update its professional development program** to include training on:

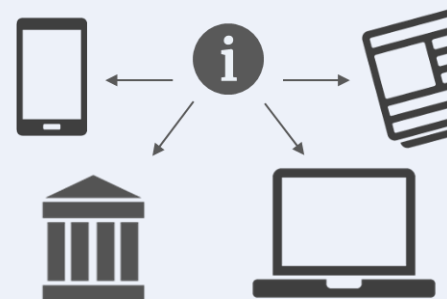
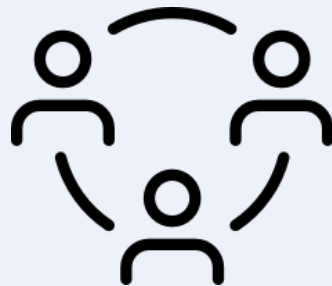
- Changes to the Code of Conduct and discipline policies, and procedures for conducting threat assessments, and contacting law enforcement. These trainings will highlight how administrators and staff should consider a student's disability in their decision making;
- De-escalation and crisis prevention techniques for all employees who are expected to respond to crisis situations involving students with disabilities;
- How to effectively develop and implement FBAs and BIPs for employees responsible for planning interventions for students with disabilities;
- For principals and assistant principals, how to conduct data reviews required by this Agreement, and how the changes to the Code of Conduct, threat assessment process, and procedures for contacting law enforcement affect students with disabilities.

**Deadline:** The District will implement these updated trainings by the **beginning of the 2025-26 school year.**



## Student, Parent, and Community Engagement

- The District will **provide annual information sessions** for parents and guardians of students with disabilities to explain the Code of Conduct and the processes for conducting threat assessments and referring students to law enforcement.
- The District will also ensure that it has a **process in place to receive and thoroughly investigate complaints** from students and parents and guardians alleging discrimination based on disability. The District will provide parents and guardians with a copy of the updated procedure every year.
- The District will also **communicate with parents/guardians who are not fluent in English in their primary language** for all outreach and other communications required under the agreement, **through interpretation and translations.**





## Reporting, Monitoring, and Enforcement

- While the Agreement is in place, the **United States will continue to monitor** the District by requesting additional documents or data, visiting schools, monitoring training, etc.
- The District will also submit **compliance reports** to the United States by January 1 and July 1 each year, showing its efforts to comply with the Agreement.
- The Agreement will remain active for at least **four complete school years**. If, by the end of the 2027-28 school year, the United States determines the District has taken the steps required by the Agreement, the Agreement will end at that time.
- The District is subject to an ongoing school desegregation order in *United States v. Pasco Cnty. Sch. Dist.*, C.A. No. 70-298-CIV-T (M.D. Fla.). In addition to monitoring compliance with the settlement agreement, the United States plans to continue monitoring the District's compliance with its desegregation obligations.





## Contact Information

### The Pasco County School District

If you have concerns about discrimination in any school in the Pasco County School District, please reach out to the Office for Civil Rights Compliance.

📞: **813-794-2694**

✉️: [CRC@pasco.k12.fl.us](mailto:CRC@pasco.k12.fl.us)

### U.S. Department of Justice Civil Rights Division, Educational Opportunities Section

If you have concerns about discrimination in any school in the Pasco County School District, please contact the Department of Justice's Civil Rights Division, Educational Opportunities Section

📞: **(202) 514-4092 or 1-877-292-3804**

✉️: [Community.PascoSchools@usdoj.gov](mailto:Community.PascoSchools@usdoj.gov)

You may also submit a complaint to the Department through the [\*\*Civil Rights Division Complaint Portal\*\*](#)