



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620
DALLAS, TX 75201-6810

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

Resolution Agreement
College Station Independent School District (CSISD)
Ref. 06131503

The College Station Independent School District (CSISD or the District), College Station, Texas, voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. The CSISD commits to taking the following actions to ensure that the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, (amended 1992), and its implementing regulation at 34 C.F.R. Part 104, as well as Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35,¹ are met with regard to the allegations presented in the above-referenced complaint.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that CSISD has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, 34 C.F.R. § 104.61 and Title II, at 28 C.F.R. § 35.134, which were at issue in this case.

The CSISD 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 CSISD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether CSISD has fulfilled the terms of this Agreement.

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 minimum of sixty (60) calendar days to cure the alleged breach.

In order to resolve the issues raised in this complaint, prior to the completion of OCR's investigation, CSISD, without admitting to any violation of law, agrees to take the following actions:

¹In addition, the regulation implementing Section 504, at 34 C.F.R. § 104.61, incorporates by reference at 34 C.F.R. § 100.7(e) of the regulation implementing Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, which states:

No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation proceeding or hearing under this part.

The Title II regulation contains a similar prohibition against retaliation at 28 C.F.R. § 35.134 (a) and (b).

Training-

1. Within forty-five (45) days of the start of the spring semester of the 2013-14 academic year, the District will provide its professional employees, and all faculty and staff at XXXXXX XXXXX XXXXXXXXXXXX School in-service training regarding their responsibility not to retaliate against any individual for the purpose of interfering with any right or privilege secured by Section 504/Title II. The training will specifically reiterate that no person shall intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by Section 504/Title II (and any other regulations enforced by OCR) or because one has made a complaint or participated in any manner in an investigation or proceedings held in connection with a complaint. The District may confer with the Region VI Education Service Center and/or the Texas Association of School Board in planning its training and will provide the participants in the training with a copy of all relevant policies and procedures.

Reporting: By **March 10, 2014**, the District will provide OCR with information and documentation evidencing the completion of the in-service training. Documentation shall include sign-in sheets, copies of handouts (and any other substantive information regarding the training), along with the name, title, and daytime telephone number and credentials of the individuals who provided the training. The documentation will also include the name and position of the employees who attended the training; the name and position of employees who were required to attend the training, but did not; and the rescheduled training date for those employees who did not attend the training. The District will provide additional verification of completed training for any individuals who received rescheduled training.

Counseling-

2. Within 30 days of the start of the spring semester of the 2013-14 school year, CSISD will offer in writing (via certified letter), to the complainant, counseling services for the Student. Specifically, the District will offer the Student the opportunity to meet with a District counselor at XXXXXXXX XXXXXXXXXXXXXXXX School (where the Student currently attends). Per the complainant's request, if possible, the counseling sessions will place an emphasis on self-esteem building for the Student. The Student and Counselor shall determine the length and to what extent the counseling services will continue, depending upon the Student's need and/or desire for the counseling services.

Reporting: By **February 18, 2014**, CSISD will provide documentation of its completion of sending the certified letter sent to the complainant. Additionally, by **March 3, 2014**, the District will report to OCR any response, if any, received from the complainant. In the event the Student requests counseling services, the District

will submit to OCR the name of the counselor(s) who conducts the sessions, the dates of the sessions, and the length of the sessions, by **May 30, 2014**.

Student Records-

3. Within 45 days of the start of the 2013-14 school year, CSISD will review the Student's three disciplinary referrals received after XXXXXXXX XX, XXXX (the date the Student was removed from his XXXXXXXX classroom at XXXXXX XXXXX XXXXXXXXXXXX) and will convene to determine if any appropriate remedial action needs to be taken including, but not limited to, altering or expunging the Student's disciplinary records for the incident(s). The District may determine the administrators and/or other employees who will convene to make this determination, as the removal of the Student from his XXXXXXXX classroom was not a change in his educational placement for purposes of Section 504/Title II; however, if the District does not convene the Student's Section 504 committee², the District will provide written notice to the complainant of the meeting at least ten calendar days in advance, to include the date, time, and location, of the meeting, in the event the complainant wishes to attend. The District also agrees to put forth a good faith effort to work with the complainant regarding any scheduling conflicts that may arise. In the event the District determines that remedial action needs to be taken, the District will provide written confirmation to the complainant within 15 days of the meeting that the Student's discipline record has been altered, expunged, etc.

Reporting: By **March 3, 2014**, CSISD will provide to OCR: a copy of the notice given to the complainant regarding the meeting; the minutes of the meeting, to include the names and titles of the participants, the location, and date; and, any data utilized in making the determination regarding whether any remedial action needs to be taken regarding the Student's records, along with a brief summary of how the determination was made. If a determination is made that any remedial action will be taken, the District will provide a copy to OCR of the aforementioned written confirmation provided to the complainant by **March 17, 2014**.

XXXXXXXX XXXXXX, CSISD Director of Student Services

Dr. Eddie Coulson, CSISD Superintendent
(or other representative)

² In the event the Student's Section 504 committee is convened, CSISD will have to give the complainant notice per the Section 504 regulation.