

## RESOLUTION AGREEMENT

Mesquite Independent School District  
**OCR Case Number: 06141200**

The Mesquite Independent School District (MISD or the District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, MISD commits to the following actions, consistent with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and their respective implementing regulations, to resolve the compliance concern raised by the complainant's allegations.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the District understands that during the monitoring of this Agreement, 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 and Title II, at 34 C.F.R. §§ 104.33-104.36 and 28 C.F.R. § 35.130, respectively, which were at issue in this case.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, at 34 C.F.R. §§ 104.33-104.36 and 28 C.F.R. § 35.130, respectively.

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.

This Agreement does not constitute an admission by MISD that it discriminated or otherwise engaged in any wrongdoing. The District hereby voluntarily commits to the following:

### **ACTION ITEMS**

By the following dates, MISD will complete the following actions:

1. By **August 15, 2014**, MISD will send the parents of XXXXXXXX XXXXXXXX ("Student") a letter, offering to evaluate the Student under Section 504 provided that the Student resides in the MISD attendance area. The letter will state that the parents have until the end of the second week of classes (**September 9, 2014**) for the 2014 fall semester to notify MISD that they accept the offer. The MISD will also provide the Student's parents

all necessary forms, including consent forms, required to evaluate the Student for special education or related services.

2. If the parents accept the offer to evaluate the Student, and meet attendance requirements, within 10 days of receiving notice of the parents' acceptance, the MISD will convene a group of individuals who are knowledgeable about the Student, the meaning of the evaluation data, and the placement options, pursuant to procedures that satisfy the requirements of 34 C.F.R. §§ 104.34, 104.35, and 104.36, to determine whether the Student qualifies for regular or special education and related aids and services.
  - a. In interpreting evaluation data and making placement decisions, the District shall 1) draw upon information from a variety of sources, and 2) ensure that such information is documented and carefully considered.
  - b. If the District determines that special education and/or related services are necessary for the Student, a plan (i.e., Section 504 plan or Individualized Education Program (IEP)) will be developed that specifies the special education and/or related services to be provided, the manner in which they will be provided, when they will be provided, the individuals responsible for providing them, and the length of time they will be provided.
  - c. The District will also provide the Student's parents a copy of the abovementioned plan and notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

3. Within 10 days of the parent's acceptance of the MISD's offer to evaluate the student, a group of knowledgeable persons, including the parent, will also determine whether the Student needs compensatory and/or remedial services as a result of the District's alleged failure to provide appropriate regular and/or special education or related services from XXXXXXXX to XXXXXXXX. If so, within 1 week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **December 17, 2014**. The District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

### **REPORTING REQUIREMENTS**

By **September 29, 2014**, the District will provide OCR with documentation, for its review, demonstrating that it has timely completed Action Item 1 above.

By **September 29, 2014**, MISD will provide OCR with documentation demonstrating that a group of individuals who are knowledgeable about the Student, the meaning of the evaluation data, and the placement options convened a meeting in accordance with Action Item 2. Note that if the parents do not accept MISD's offer to evaluate the Student, MISD will inform OCR of this fact by said date and no further reporting will be required.

Within 2 weeks of the decision as to whether regular or special education and related aids and services are needed, as referenced in Action Item 2, MISD will provide OCR, for its review, with documentation demonstrating that the Student's educational plan was implemented within thirty calendar days of the date that the plan was established.

Within 2 weeks of the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services, if any, 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 regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations. Note that if the parents do not accept MISD's offer to evaluate the Student, MISD will inform OCR of this fact within 2 weeks of the decision and no further reporting will be required.

By **January 20, 2015**, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

\_\_\_\_\_/S/\_\_\_\_\_  
Superintendent

\_\_\_\_\_  
Date

Mesquite Independent School District