

## RESOLUTION AGREEMENT

### **Spring Branch Independent School District OCR Case Number: 06141303**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint against the Spring Branch Independent School District (District), pursuant to Section 504 of the Rehabilitation Act of 1973, and its implementing regulations at 34 C.F.R. Part 104 (Section 504), which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the U.S. Department of Education, and Title II of the Americans with Disabilities Act of 1990, and its implementing regulation at 28 C.F.R. Part 35 (Title II), which prohibit discrimination on the basis of disability by public entities. During the course of OCR's investigation, before OCR made any findings, the District expressed its willingness to take the necessary steps to ensure compliance with Section 504 and Title II and to resolve the allegations of this complaint. This Resolution Agreement (Agreement) has been entered into voluntarily by the District and does not constitute an admission by the District that it is not in compliance with Section 504 or Title II or their implementing regulations.

The District has agreed to complete the following Action Items:

1. By **September 23, 2014**, after providing proper written notice to the Student's parent(s), a group of knowledgeable persons, including the parent(s), will convene as a Section 504 Committee to:
  - a. Review the Student's existing Section 504 Plan and Individualized Health Plan ("IHP"), and make appropriate changes (as necessary). The Section 504 Committee will specifically consider all information related to whether the Student can safely participate in dance class.
  - b. The District will provide notice of procedural safeguards to the Student's parent(s), including the right to challenge the Section 504 Committee's determination through an impartial due process hearing. This item will be provided during the Section 504 meeting (if not provided before the meeting).

#### Reporting Requirement 1:

Within **10 school days** of completing the requirements of this item, the District will provide OCR written documentation that it has completed this item. Documentation will include:

- a. A sign-in sheet of Section 504 Committee members, including titles;
- b. A detailed explanation of how the Section 504 Committee reviewed and revised the Student's current Section 504 Plan and/or IHP to appropriately address the Student's needs; and

- c. A copy of the Student's revised Section 504 Plan and/or IHP, if applicable. 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. §§ 104.34, 104.35 and 104.36, in making these determinations.
2. The District will prepare training specifically for presentation to faculty and administrators at Northbrook High School "NHS") who are charged with participating in Section 504 evaluations and placement. Specifically, the District will:
    - a. Draft a training package on the policies and procedures referenced in this Agreement and specific training on understanding and meeting the needs of students with disabilities, and;
    - b. Provide a description of the trainer's background and qualifications with respect to knowledge of Section 504 and Title II.

Reporting Requirement 2:

By **October 14, 2014**, the above-referenced documentation will be submitted to OCR for review and approval.

3. The District will consider and respond to any feedback from OCR with respect to the draft training package and identification of the trainer(s). Within **30 calendar days** of OCR's approval of both, the District will provide the training to the appropriate staff at NHS.

Reporting Requirement 3:

Within **10 school days** of conducting the training, the District will provide OCR with: (a) a list of names and titles/positions of employees who participated in the training session; and (b) a copy of the materials provided during the training.

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 and Title II, at 34 C.F.R. §104.33, 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, and 28 C.F.R. §35.130, respectively, 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 the Agreement. Before initiating administrative enforcement (34 C.F.R. §§100.9, 100.10), or judicial proceedings to enforce the 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.

---

Dr. Duncan Klussmann, Superintendent  
Spring Branch Independent School District

---

Date