

RESOLUTION AGREEMENT

Plainview Independent School District OCR Case Number: 06131545

Plainview Independent School District (PISD 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, the District 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 concerns raised by the complainant's allegations. 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. §§ 104.3, 104.4, 104.33-104.36, and 28 C.F.R. § 35.130, respectively, which were at issue in this case. 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. 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 the District that it discriminated or otherwise engaged in any wrongdoing. The District hereby voluntarily commits to the following:

ACTION ITEMS

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

1. By **February 15, 2014**, PISD will formally notify the complainant in writing of its willingness to evaluate her XXXXXXXXXX (the Student) need for compensatory education services pursuant to Section 504, at 34 C.F.R. §§ 104.33 and 104.35. The written notice to the complainant will state that the complainant has the option to refuse the District's offer to evaluate the Student. If the complainant accepts the District's offer to evaluate the Student, the District will schedule an evaluation to determine the Student's eligibility for possible compensatory education services in accordance with the regulatory requirements of Section 504 and Title II. The District will provide the complainant with a minimum of **30 calendar days** to respond to the District's offer to evaluate the Student's need for compensatory education services.
2. If the complainant accepts the District's offer to evaluate the Student pursuant to Action Item #1, PISD will complete such evaluation and determine whether and to what extent it should provide any compensatory education services based on PISD's alleged failure to

provide the Student with the requisite accommodations pursuant to her Section 504 Plan (e.g., XXXXXX XX XXXXXXXX XXXXXXXX XXXX XX XXXXXXXX XXXXX, XXXXXXXX XXXX XX XXXXXXXX XXXXXXXXXXXXX, and XXXX XXXXXXXX), from approximately November 2012 to May 2013, pursuant to the Section 504 regulatory requirements at 34 C.F.R. § 104.33, by **April 15, 2014**.

3. If PISD determines that compensatory education services are necessary for the Student to receive a free appropriate public education (FAPE), it will begin the provision of said compensatory education services within **30 calendar days** after its determination that the services are necessary, and it will complete the provision of said compensatory education services within **90 calendar days** after its determination that the services are necessary.
4. By **August 30, 2014**, The District will provide training regarding its obligation under Section 504 and Title II to provide a FAPE to all qualified students with disabilities residing within its jurisdiction. The training should be provided to all relevant personnel, including, but not limited to, District administrators, school administrators, faculty, and counselors. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to disability discrimination. The training shall address, at a minimum:
 - The District’s policies and procedures for carrying out its responsibilities under Section 504 and Title II to provide a FAPE to each qualified disabled person who is within the District’s jurisdiction, regardless of the nature or severity of the person’s disability; and
 - District staff members’ obligation to fully implement any Section 504 Plan that has been developed for a qualified student with a disability.

REPORTING REQUIREMENTS

1. By **April 15, 2014**, PISD will provide OCR with documentation demonstrating that it has timely completed Action Item #1.
2. By **May 15, 2014**, PISD will provide OCR with documentation demonstrating that it has timely completed Action Item #2. At a minimum, the documentation should include an explanation of the District’s determination, all information considered in reaching the determination, and the names and titles of all members of the Section 504 committee.
3. By **September 15, 2014**, PISD will provide OCR with documentation demonstrating that it has timely completed Action Item #3, if applicable. At a minimum, the documentation should include an explanation of each compensatory service determined to be necessary, the date(s) on which the service was rendered, and by whom.
4. By **September 15, 2014**, PISD will provide OCR with documentation demonstrating that it has timely completed Action Item #4. At a minimum, the documentation should

include the date(s) of the training, the identity and qualifications of the trainer(s), a copy of all written materials provided, and a copy of sign-in sheets indicating the attendees.

/s/

Dr. Rockwell Kirk, Superintendent
Plainview Independent School District

Date