



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

Voluntary Resolution Agreement
Houston Independent School District (HISD)
OCR Reference: 06-14-1208

The Houston Independent School District (HISD) voluntarily submits this agreement to resolve Issue 2 in the above referenced complaint. The HISD assures the U. S. Department of Education, Office for Civil Rights, (OCR), that it will continue make to its programs and activities accessible, as required by Section 504 of the Rehabilitation Act of 1973 (Section 504), and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. 12132, and its implementing regulations at 28 C.F.R. Part 35.

The HISD is subject to Section 504 and Title II because it receives Federal financial assistance from the Department and is a public entity. In light of the compliance concerns identified for Complaint Number 06-14-1208, the HISD has agreed to the terms of this Agreement as set forth below.

Action Item 1

- i. By **August 31, 2014**, the HISD will notify the complainant in writing (via certified mail, return receipt requested) of its willingness to re-evaluate her son (the Student) pursuant to Section 504, at 34 C.F.R. § 104.35. The HISD will provide the complainant with a **minimum of ten (10) calendar days** to respond to its offer to evaluate the Student.

Reporting Requirements: Action Item 1

- A. By **September 2, 2014**, the HISD will provide OCR with a copy of the notification sent to the complainant in accordance with Action Item 1 (i).
- B. By **September 2, 2014**, the HISD will submit to OCR a narrative report documenting whether the complainant has accepted the HISD's offer to re-evaluate the Student and the scheduled date of the evaluation.

Action Item 2

- i. By **September 2, 2014**, after providing proper written notice to the Student's parent/guardian, the HISD will convene a group of persons knowledgeable about the Student and conduct a manifestation determination to ascertain whether the exclusionary discipline he received during the 2013-2014 school year (i.e., in excess of ten days of out of school suspensions) was a result of behavior, which at

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- that time, was a manifestation of the Student's identified disabilities, in accordance with the evaluation process required at 34 CFR 104.35.
- ii. If the HISD determines that the Student's behavior for which he was disciplined was associated with his disabilities, identified at that time, it will then determine whether compensatory services are warranted as a result of any missed instruction. If it is determined that compensatory and/or remedial services are warranted; **within seven (7) calendar days** of said determination, a plan will be developed which specifies the services to be provided to the Student, the manner in which the services will be provided, when the services will be provided, the individuals responsible for providing the services, and the length of time for which the services will be provided. The completion date for the provision of such services will not extend beyond **thirty (30) days** from the date the services began. The HISD will provide the Student's parent/guardian with notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.
 - iii. The HISD will notate the Student's discipline record accordingly of those infractions which were determined to be associated to his disabilities.
 - iv. By **September 2, 2014**, the HISD will notify the complainant in writing (via certified mail, return receipt requested) of the HISD's determinations made pursuant to the manifestation determination made by the group of knowledgeable people.
 - v. By **November 26, 2014**, the HISD will have provided the Student with any compensatory services, which the group of knowledgeable people determined were necessary.

Reporting Requirements: Action Item 2

- A. By **September 2, 2014**, the HISD will provide OCR with the manifestation determination meeting notes and decision(s) made by the group of knowledgeable people regarding the Student, in accordance with Action Item 2 (i) and (ii).
- B. By **September 2, 2014**, the HISD will provide OCR with a copy of the notification sent to the complainant in accordance with Action Item 2 (iv).
 - a) By **October 6, 2014**, if the HISD determined that compensatory services were warranted, the HISD will provide OCR with the plan as described in Action Item 2 (ii) and documentation that shows the fulfillment of these compensatory services or the reason why the services were unable to be provided within 30 days and a plan for the provision of the services. **Within 2 weeks** of the decision as to whether compensatory and/or remedial services are needed, the HISD will submit to OCR documents supporting the group's

decision. The documentation submitted shall include documentation showing the names of 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 HISD's decision and plan for providing the proposed services, review the documentation to ensure that the HISD 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.

- D. By **November 26, 2014**, the HISD 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).

The HISD understands that OCR will not close the monitoring of this agreement until OCR determines that the HISD has fulfilled the terms of this agreement and is in compliance with Section 504, and its implementing regulation at 34 C.F.R. Part 104, and Title II and its implementing regulations at 28 C.F.R. Part 35.

The HISD 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 HISD understands that during the monitoring of this agreement, if necessary, OCR may visit the school district, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the school district has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504, and its implementing regulation at 34 C.F.R. Part 104, and Title II and its implementing regulations at 28 C.F.R. Part 35, which was at issue in this case.

The HISD 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 HISD written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

HISD Designee

Date