

RESOLUTION AGREEMENT

Nacogdoches Independent School District (NISD) OCR Case Number: 06141285

The Nacogdoches Independent School District (NISD) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the NISD 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. The NISD understands that OCR will not close the monitoring of this Agreement until OCR determines that the NISD 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 NISD 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 NISD understands that during the monitoring of this Agreement, if necessary, OCR may visit the NISD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the NISD has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II. The NISD 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 NISD written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach. This Agreement has been entered into voluntarily by the NISD and does not constitute an admission by the NISD that it is not in compliance with Section 504 or Title II or their implementing regulations.

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

ACTION ITEM 1

By October 30, 2015, after providing proper written notice to the complainant, the NISD will convene a group of knowledgeable persons, including the complainant, to determine whether the Student needs compensatory/remedial services as a result of the NISD's failure to provide her appropriate regular and/or special education services, namely, XXXX XXXX services, during the 2013-2014 school year, and also based on the NISD's failure to consider the effects of the alleged bullying. If so, within one week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services to the Student with a completion date not to extend beyond February 2016. The NISD will provide the complainant notice of the procedural safeguards, including the right to challenge the group's determination through a due process hearing.

Reporting Requirements:

- a) Within 2 weeks of the decision as to whether compensatory and/or remedial services are needed (or within 2 weeks of the date this Agreement is signed for any decision regarding compensatory and/or remedial services described in Action Item 1 made

prior to execution of this Agreement), the NISD 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 NISD's decision and plan for providing the proposed services, review the documentation to ensure that the NISD 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.

- b) By March 1, 2016, the NISD 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).

ACTION ITEM 2

By October 30, 2015, the NISD will provide information to OCR in connection with an upcoming training session regarding its obligation under Section 504 and Title II to provide a free appropriate public education (FAPE) to all qualified students with disabilities attending its schools, including its duty to fully implement students' Individual Education Programs (IEPs) and, when it is established that a student with a disability receiving FAPE services has been bullied/harassed in any respect, its obligation to evaluate the student for the purpose of determining whether the effects of the bullying/harassing behavior have changed the student's individual educational needs such that the student's established IEP must be modified. The information must include, but shall not be limited to, the credentials of the individual(s) selected to conduct the training, a proposed plan for the training session (e.g., length of the training session, topics to be considered, etc.), and a description of the training materials to be used by the trainer(s) and/or provided to attendees during the training session.

ACTION ITEM 3

Within thirty (30) calendar days after OCR approves the training-based information described in Action Item 2 above, or by April 1, 2015, whichever date is latest, the NISD will conduct the training session regarding its obligation under Section 504 and Title II to provide a FAPE to all qualified students with disabilities attending its schools, and its duty to fully implement students' IEPs, and, when it is established that a student with a disability receiving FAPE services has been bullied/harassed in any respect, its obligation to evaluate the student for the purpose of determining whether the effects of the bullying/harassing behavior have changed the student's individual educational needs such that the student's established IEP must be modified. The training must be provided to all relevant personnel, including, but not limited to, NISD administrators, school administrators, faculty, and counselors. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to disability discrimination and retaliation. The training shall address, at a minimum, the NISD'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 attending its schools, regardless of the nature or severity of the

person’s disability, including NISD staff members’ obligation to fully implement students’ IEPs and, when it is established that a student with a disability receiving FAPE services has been bullied/harassed in any respect, its obligation to evaluate the student for the purpose of determining whether the effects of the bullying/harassing behavior have changed the student’s individual educational needs such that the student’s established IEP must be modified.

Reporting Requirement: Within ten (10) calendar days after conducting the training session in accordance with Action Item 3, the NISD will provide OCR with documentation demonstrating that the training session has been completed, including a sign-in sheet containing the signatures and titles of all attendees, along with any other information indicating that the training session was conducted in accordance with the requirements of this Agreement.

Dr. Fred Hayes, Superintendent
Nacogdoches Independent School District

Date