

Voluntary Resolution Agreement
Complaint No. 06141449
Manor Independent School District

The Manor Independent School District (MISD) voluntarily agrees to enter into a Resolution Agreement (RA) in order to resolve the above-referenced complaint. The MISD commits to implement the provisions set forth in this Agreement to ensure the District's compliance with the requirements of Section 504 or the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, 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. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, both of which prohibit discrimination on the basis of disability. This Agreement is not intended to be, nor shall it be construed as, a finding by OCR of a violation of Section 504 or Title II by the MISD or as an admission by the MISD of a violation of Section 504 or Title II or any other federal civil rights statutes enforced by OCR.

The MISD understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with Section 504 and Title II. The MISD 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 MISD understands that during the monitoring of this agreement, if necessary, OCR may visit the district, interview staff and contract staff, students, or others 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 Section 504 and Title II, which are at issue in this case.

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

Action Item Number One

By _____, the MISD will conduct a review of its policies and procedures concerning the provision of services to students with disabilities, including students with diabetes, in accordance with the requirements of Section 504 and Title II. If revisions are determined to be necessary, within 30 calendar days of the completion of the MISD's review, the MISD will provide OCR with a copy of its proposed revisions. Within 30 days of OCR's approval, the MISD will implement the revised policies and procedures, and provide notice of the revised policies and procedures to students, parents and the general public through its publication sources (i.e. posting on the MISD website, etc.)

Reporting Requirements

- By _____, the MISD will submit a copy of the revised policies and procedures, described in Action Item Number One above, to OCR for review and approval.
- After OCR’s review and approval, then within thirty (30) calendar days (or other mutually agreed upon date), the MISD will adopt the above policies and procedures, and publish the adopted policies and procedures through its established methods to students, parents and the public (i.e. posting on the MISD website, etc.). The MISD will provide OCR with documentation of the implementation of the above procedures.

Action Item Number Two

By _____, the MISD will conduct training with regard to the requirements of Section 504 and Title II, with regard to the provisions of services to students who need, or are believed to need, special education and related services. The training will be provided to staff at Manor Elementary School and Presidential Meadows Elementary School.

Reporting Requirement

By _____, the MISD will provide OCR with detailed information regarding the training of staff regarding the requirements of Section 504 and Title II, with regard to the provision of services to students who need or are believed to need special education and related services. The MISD will provide OCR with sign in sheets for all training sessions evidencing all staff who attended the training, a copy of the training materials used, and the name, title, credentials and contact information for the person or persons providing the training to comply with Action Item Number One.

Action Item Number Three

By _____, the MISD will conduct training with regard to the requirements of Section 504 and Title II as it regards the provision of nonacademic services to students with diabetes. The training will be provided to staff at Manor Elementary School and Presidential Meadows Elementary School.

Reporting Requirements

By _____, the MISD will provide OCR with detailed information regarding the training of staff regarding the requirements of Section 504 and Title II, with regard to the provision of health services and nonacademic services (i.e. extracurricular activities such as field trips and UIL competitions) to students with diabetes. The MISD will provide OCR with sign in sheets for all training sessions evidencing all staff who attended the training, a copy of the training materials used, and the name, title, credentials and contact information for the person or persons providing the training to comply with Action Item Number Two.

Action Item Number Four

By _____, the MISD will request that a criminal trespass warning issued to the complainant, Mrs. Carol Morris, be rescinded.

Reporting Requirements

By _____, the MISD will provide OCR with documentation to evidence that the criminal trespass warning was rescinded. The documentation will include the date the complainant was notified, and the manner in which the notification was made.

Action Item Number Four

By _____, The MISD agrees to send to the complainant (via certified mail, return receipt requested) written correspondence inviting the complainant to re-enroll the student. The notice will advise the complainant that upon re-enrollment, the MISD will convene a meeting of a group of knowledgeable persons, as defined by Section 504. The group will review information from a variety of sources (which will be documented and carefully considered) and determine an appropriate placement and related aids and services to be provided in conformity with Section 504. The group will also consider whether the student has suffered any regression due to not receiving disability-related services during the 2013-2014 school year, and if so, whether the student needs compensatory services to address any such regression.

If the student re-enrolls in the MISD, the MISD will take the actions described in Action Item Number Four above within thirty (30) calendar days of the date of the student's re-enrollment (i.e., re-evaluation of the student's educational needs in accordance with Section 504 and Title II).

Reporting Requirement

By _____, the MISD will provide OCR with documentation to evidence that it has offered the student the opportunity to re-enroll in the MISD. If the student re-enrolls in the MISD, within 30 calendar days of re-evaluation, the MISD will provide OCR with documentation to evidence the placement decision for the student, including relevant documentation (i.e. placement meetings, information considered by the group of persons, etc.) The MISD will also provide documentation of the services provided to the student, as deemed appropriate by the placement committee, including nonacademic services.

Signed:

/s/ _____
XXXXXXXXXXXXXXXXX Superintendent
Manor Independent School District

Date