

RESOLUTION AGREEMENT
Dallas Independent School District
OCR Case Number: 06141457

The Dallas Independent School District (Dallas ISD 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 complaint 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. 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 Item #1:

By **August 15, 2018**, Dallas ISD will send the complainant a letter via regular mail and certified mail, return receipt requested, inviting the Student to re-enroll into Dallas ISD and informing the complainant that, upon re-enrollment, Dallas ISD will conduct an evaluation of the Student to determine the Student's educational placement and eligibility for special education and related aids and services, pursuant to Section 504, at 34 C.F.R. §§ 104.33 and 104.35 and Title II at 28 C.F.R. § 35.130. The District will provide the Student's parents with a minimum of **30 calendar days** to respond.

Reporting Requirements:

By **August 30, 2018**, the Dallas ISD will provide OCR with documentation, including copies of certified letter(s), demonstrating that it has timely completed Action Item #1.

Action Item #2:

If the complainant accepts the Dallas ISD's offer by re-enrolling the Student, the Dallas ISD will conduct the Section 504 evaluation **within thirty (30) calendar days** of the Student's re-enrollment. During the evaluation, a group of knowledgeable persons – including persons knowledgeable about the child, the meaning of the evaluation data and the placement options – will evaluate the Student's eligibility to receive related aids and services under Section 504 and will determine whether the Student needs compensatory and/or remedial services as a result of the District's alleged failure to provide accommodations listed in the Student's Section 504 plan during the 2013-2014 School year. If the group determines compensatory services are necessary, the group will develop a plan, within 1 week of its determination, for providing timely compensatory and/or remedial services. The Dallas ISD will provide the complainant notice of

the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

- a) By **November 1, 2018**, the Dallas ISD shall provide documentation to OCR evidencing that the evaluation required pursuant to Action Item #2 has been conducted. The documentation provided to OCR shall include documentation of the appropriate compensatory educational services that the Dallas ISD has determined are necessary to meet the Student's individual educational needs. If the Dallas ISD determines that the Student is not in need of any compensatory educational services, then the Dallas ISD shall provide documentation to OCR evidencing its determination, including the documentation relied upon by the Dallas ISD in reaching this determination. OCR will review the documentation submitted to ensure that the Dallas ISD has, in reaching its determination, met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36.
- b) If the Dallas ISD has determined that compensatory educational services are required for the Student, then by **December 1, 2018**, the Dallas ISD shall provide documentation to OCR evidencing that the agreed-upon services have been provided for the Student.

Action Item #3:

By **November 1, 2018**, the Benjamin Franklin Middle School (FMS) shall establish and publish policies and procedures to ensure that all relevant staff members – including teachers, counselors, and administrators – receive and acknowledge receipt of the individualized education programs and/or Section 504 plans of any students to whom the staff member is responsible for providing services.

Reporting Requirements:

- a) By **October 1, 2018**, the Dallas ISD will provide OCR with a copy of the draft policies and procedures for OCR review and comment. If OCR has any objections to the content of the policies and procedures, OCR will promptly notify the Dallas ISD.
- b) By **December 1, 2018**, the Dallas ISD will provide OCR with documentation evidencing that the FMS staff has been notified of the policies and procedures established in accordance with Action Item #3.

Action Item #4:

By **November 30, 2018**, the District will provide training regarding its obligation under Section 504 and Title II to provide a free appropriate public education (FAPE) to all qualified students with disabilities residing within its jurisdiction, as well as its obligation to refrain from retaliating against any person for the exercise of any right protected by Section 504 or Title II. The training should be provided to all relevant personnel, including, but not limited to, the FMS campus administrators, school administrators, faculty, and counselors. The training will be conducted by one or more individuals knowledgeable about the laws and issues pertaining to disability discrimination, the evaluation of students who are or are believed to be disabled, and retaliation. The training shall address, at a minimum:

- The District’s policies and procedures for carrying out its responsibilities to evaluate and re-evaluate students – including transfer students who were receiving Section 504 services at their previous school districts – pursuant to Section 504, at 34 C.F.R. § 104.35;
- The District’s policies and procedures for ensuring that all relevant staff members, including teachers, counselors, and administrators, receive and acknowledge receipt of each student’s respective individualized education program and/or Section 504 Plan;
- District staff members’ obligation to fully implement any Section 504 Plan that has been developed for a qualified student with a disability;
- The District’s policies and procedures for carrying out its obligation to provide procedural safeguards; and
- The District’s obligation to refrain from retaliating against any person because that person, or anyone else, exercised any right or privilege pursuant to Section 504 or Title II.

Reporting Requirement:

- a) At least **30 calendar days** prior to the provision of the training described in Action Item #4, the Dallas ISD shall submit to OCR, for review and approval, the identity and qualifications of the individual appointed by the District to provide the training. The Dallas ISD shall also provide to OCR a copy of the proposed training or detailed summary of the content proposed to be covered. If OCR has any objections to the content of the training, OCR will promptly notify the Dallas ISD, no later than 10 calendar days prior to the date of the scheduled training.
- b) By **December 30, 2018**, the Dallas ISD shall submit to OCR documentation evidencing that the training required by Action Items #4 has been conducted. The Dallas ISD shall also submit to OCR documentation evidencing the name and title of individuals attending the training and the date(s) the training was conducted.

GENERAL PROVISIONS

The Dallas ISD understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the Dallas ISD understands that, during the monitoring of the Agreement, OCR may visit the Dallas ISD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Dallas ISD has fulfilled the terms of the Agreement. Upon the Dallas ISD’s satisfaction of the commitments made under the Agreement, OCR will close the case.

The Dallas ISD 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 Dallas ISD written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Dr. Michael Hinojosa
Superintendent, Dallas ISD

Date