

**/Millsap Independent School District  
OCR Complaint No. 06141529  
Voluntary Resolution Agreement**

The Millsap Independent School District (MISD) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. MISD commits to the following actions to resolve the current complaint and ensure its compliance with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, (amended 1992), and its implementing regulation at 34 C.F.R. Part 104 (2013); Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35 (2013) which prohibit discrimination on the basis of disability.

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 in compliance with Section 504 and its implementing regulation at 34 C.F.R. Part 104 and Title II and its implementing regulation at 28 C.F.R. Part 35.

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, OCR may visit the district, interview staff and contact 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 its implementing regulation at 34 C.F.R. Part 104 and Title II and its implementing regulation at 28 C.F.R. Part 35, 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.

**Implementation of the Student's IEP:**

**Action Item #1:**

- A) By September 15, 2014, the MISD will notify the complainant of the date planned to convene a group of persons, to include notification to the Student's parents and others knowledgeable about the Student, to determine the appropriate placement for the Student, pursuant to Section 504 at 34 C.F.R. § 104.35.
- B) By September 30, 2014, the MISD will convene a group of persons who are knowledgeable about the Student, the Student's disability (i.e., XXX), the meaning of the evaluation data, and the placement options within the MISD, and draw upon a variety of sources, pursuant to

Section 504 at 34 C.F.R. § 104.35, in order to develop an appropriate Section 504 program for the Student. The purpose of the Section 504 meeting is to:

- i) Review the regular or special education aids and related services currently being provided to the Student to determine whether, based on the Student's academic progress during the 2013-2014 school year and any other information available, the Student may require additional or different related aids and services for the 2014-2015 school year. At a minimum, the Section 504 committee will clarify the procedures for the Student to make up school work during excused absences or absences related to his disability, and the committee will review procedures for the Student and faculty to ensure that his Individualized Health Plan (IHP) and all of the services delineated in the Student's 504 program developed at the meeting are implemented during the 2014-2015 school year
  - ii) Determine what regular or special education aids and/or related medical services, based on the Student's disability (i.e., XXX), will be provided by the MISD in order for the Student to safely attend and fully participate in all XXX educational activities with his non-disabled peers.
  - iii) The District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.
- C) By September 30, 2014, the MISD will convene a Section 504 meeting to determine what regular or special education aids and/or related medical services, based on the Student's disability (i.e., XXX), will be provided by the MISD in order for the Student to safely attend and fully participate in the 2014-2015 XXX, with his non-disabled peers.
- D) By October 1, 2014, the MISD Section 504 committee members will consider input from the classroom teachers and other available information to determine whether the Student needs compensatory and/or remedial services as a result of any regular or special education or related aids and services that were not provided by the MISD during the 2013-2014 school year. If it is determined that the Student is in need of compensatory and/or remedial services, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond the end of the upcoming school year.

**Reporting Requirements for Action Item #1:**

- A) By December 1, 2014, the MISD will provide OCR with documentation demonstrating that it has timely completed Action Item #1(A) – (C) above. The documentation should include:
- i. A report that will include, at a minimum, any Section 504 meeting committee minutes and related documentation evidencing that the meeting occurred; documentation of all sources considered during the meeting; procedures to ensure that the Student is placed in the most integrated educational setting appropriate; a copy of the document evidencing the related aids and services the Section 504 committee determined to be necessary to

meet the Student's individual needs; documentation that the Student's teachers and all appropriate MISD personnel were notified of the related aids and services determined necessary for the Student; and,

- ii. A report that will include, at a minimum, any Section 504 committee meeting minutes related to the committee's determination of the regular or special education aids and/or related medical services required, based on the Student's disability, in order for the Student to safely attend and fully participate in all of the XX educational programs (i.e., XXX, to include but not be limited to the 2014-2015 XXX; identify what services will be provided for the Student during the XXX; how those services will be provided to the Student; identification of all personnel responsible to provide services to the Student, and documentation to demonstrate that all personnel involved in providing services to the Student during the XXX have been notified of their responsibilities in providing services to the Student.

- B) By December 1, 2014, the MISD will provide OCR with documentation demonstrating that it has timely completed Action Item #1(D) above. The documentation should include: 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 District's decision and plan for providing any proposed compensatory and/or remedial services, review the documentation to ensure that the District 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.

### **Adequate Faculty Training**

#### **Action Item #2:**

By December 1, 2014, the MISD will ensure that the quality of the educational services provided to the Student is equivalent to the services afforded to non-disabled Students by providing training in the instruction of diabetes management and treatment, including information about how to identify and appropriately respond to emergency situations, to all administrators and faculty of MISD Elementary, Middle, and High Schools. Additionally, MISD will ensure every campus has appropriate materials and equipment to address medical situations/emergencies that could arise while the Student is at school, based on the Student's disability.

#### **Reporting Requirements for Action Item #2**

By November 15, 2014 and prior to the training, the MISD will provide OCR, for review and approval, a copy of the materials that the MISD will utilize, the name, credentials and contact information for the person(s) who will conduct the training and a description and/or copy of the notification that the MISD will use to inform attendees of the mandatory training.

By December 5, 2014, the MISD will provide OCR with sign in sheets for all training sessions evidencing all staff that attended training, the date, a copy of the training materials used, and information about how materials were distributed to District staff.

Signed:

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Dr. David Belding  
Superintendent

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Date