



RESOLUTION AGREEMENT

Katy Independent School District
OCR Complaint: 06-14-1531

JURISDICTION

The Katy Independent School District (KISD or District) voluntarily enters into the following Resolution Agreement (Agreement) to resolve complaint 06-14-1531 filed with the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. The KISD commits to implement the provisions set forth in this Agreement to ensure the District's compliance with the requirements of Section 504 of 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. § 12132, and its implementing regulation at 28 C.F.R. Part 35, and to resolve the above-referenced complaint.

This Agreement does not constitute an admission of liability on the part of the KISD, nor does it constitute a determination made by OCR of a violation of Section 504 or Title II by the District or any other federal civil rights laws enforced by OCR.

ACTION ITEMS AND REPORTING REQUIREMENTS

Action I: Procedural Remedies

1. By August 31, 2015, KISD will review and revise as needed the District's existing Section 504 and Title II policies and procedures and current training curriculum with respect to the provision of a free appropriate public education (FAPE) and procedural safeguards to ensure both the District's procedures and training curriculum include special emphasis on the following:
 - a) The District's obligation to identify and conduct an evaluation of students who, because of disability, need or are believed to need special education or related aid and services, pursuant to Section 504 implementing regulations at 34 C.F.R. §§ 104.33, 104.35, 104.36, and the Title II implementing regulation at 28 C.F.R. § 35.130.
 - b) The District's obligation to apply the definitions set forth in Section 504 at 34 C.F.R. § 104.3(j) and Title II at 28 CFR § 35.104, which are interpreted to include the expanded definitions of disability from the Americans with Disabilities Act Amendments Act of 2008 (ADAAA). Both the District's procedures and training curriculum should include special emphasis on the ADAAA expanded definitions of disability and appropriately identifying and evaluating students with health related concerns (e.g., food and environmental allergies, diabetes, asthma), including students with Individual Health

Care Plans (IHCP), to determine if the students are qualified students with a disability as defined by Section 504 and Title II.

Action I: Reporting Requirements

1. By September 15, 2015, KISD will provide OCR, for its review and approval, a report of the outcome of its review of its Section 504/Title II policies and procedures and training curriculum for the provision of a FAPE and procedural safeguards, including recommendations (if any) to revise or draft new policies and procedures and/or training curriculum that result from the District's Section 504/Title II policies and procedures and training self-assessment.
2. Within 2 weeks of receiving OCR's approval, KISD will submit to OCR, for its review and approval, a copy of its revised and/or newly drafted policies and procedures (if any) and/or training curriculum (if any) resulting from the District's Section 504/Title II policies and procedures and training self-assessment.
3. Within 2 weeks of receiving OCR's approval, KISD will publish its revised and/or newly drafted policies and procedures (if any) in prominent locations at the District's schools, and publish on the District's website. As print materials are updated, they will include any revised and/or newly drafted policies and procedures.
4. Within 60 calendar days of publishing the revised and/or newly drafted policies and procedures (if any), KISD will submit to OCR, for its review and approval, documentation evidencing that the policies and procedures have been fully implemented, and that staff training and informative communications have been provided to all KISD students and staff (including medical staff) notifying them of said changes in the policies and procedures.

IMPLEMENTATION AND ENFORCEMENT OF THIS AGREEMENT

KISD 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 the Section 504 implementing regulation at 34 C.F.R. §§ 104.33, 104.35 and 104.36, and the Title II implementing regulation at 28 C.F.R. § 35.130, which were at issue in this complaint. KISD 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, KISD understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff and students, 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 the regulations implementing Section 504 and Title II, as identified above.

KISD acknowledges and understands 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 District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Mr. Alton L. Frailey, Superintendent
Katy Independent School District
Katy, Texas

Date