

RESOLUTION AGREEMENT

OCR Complaint No. 06151028 Dallas Independent School District

The U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office and the Dallas Independent School District (DISD or the District) enter into this Resolution Agreement (Agreement) to resolve the allegations in the above-referenced complaint. This Agreement does not constitute an admission of liability, noncompliance or wrongdoing by DISD. DISD assures OCR that it will take the following actions to comply 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. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by programs and activities receiving Federal financial assistance, and public entities, respectively.

Prior to the completion of OCR's investigation, DISD agreed to resolve, pursuant to Section 302 of OCR's Case Processing Manual, the compliance concerns that OCR identified during this investigation. Accordingly, DISD will complete the following actions:

ACTION ITEM 1: Individual Student

- 1.1 **By October 27, 2017**, after providing proper written notice to the complainant, a group of knowledgeable persons, to include the complainant,¹ will determine whether the Student needs compensatory and/or remedial services as a result of any failure to provide Section 504 related services to the Student that may have occurred during the XXXX-XX school year and the beginning of the XXXX-XX school year (i.e., through XXXXXXXXXXXX XX, XXXX). If so, within one (1) week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **November 30, 2017**. DISD will provide the complainant with written notice of the group's determination (and if applicable, the above plan). In addition, the District will provide the complainant with written notice of Section 504 procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.
- 1.2. **By October 27, 2017**, DISD will provide the complainant with copies of all of the Student's educational records related to Section 504 and to discipline for the XXXX-XX and XXXX-XX school years.

REPORTING REQUIREMENTS: Action Item 1

¹ If the complainant agrees to participate after receiving notice.

- 1.1 **Within two (2) weeks** of the decision as to whether compensatory and/or remedial services are needed, DISD 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, a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student, and the written notice provided to the complainant regarding the above decision (and if applicable, the above plan) and Section 504 procedural safeguards. OCR will, prior to approving the District's decision and plan for providing the proposed 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.
- 1.2 In the event DISD determines that the Student is entitled to compensatory and/or remedial services, the District will provide to OCR, **no later than December 31, 2017**, documentation of the dates, times, and locations that any compensatory and/or remedial services were provided. The documentation shall include a description of the services provided and the name(s) of the providers.
- 1.3. **By October 30, 2017**, DISD will submit documentation to OCR showing that the District has provided the complainant with copies of all of the Student's educational records described in Action Item 1.2.

ACTION ITEM 2: Section 504 Training

- 2.1 **By November 30, 2017**, DISD will provide training, by a qualified individual,² to the Section 504/Title II Coordinator(s), administrators, counselors, teachers, and any other relevant staff responsible at X.X. XXXXXXXX Elementary School (XXES) for implementing and/or ensuring compliance with Section 504³ regarding students. The training shall address at a minimum:
 - (a) The District's policies and procedures for carrying out its responsibilities under Section 504 and Title II to provide a free appropriate public education to each qualified disabled person who is within the DISD's jurisdiction, regardless of the nature or severity of the person's disability;
 - (b) DISD staff members' obligation to fully implement any Section 504 Plan that has been developed for a qualified student with a disability;
 - (c) The District's obligation to effectively notify parents of the District's system of procedural safeguards, in accordance with the Section 504 regulations at 34 C.F.R. § 104.36, which includes notice, an opportunity for the parents or guardian of the

² A person knowledgeable about the laws and issues pertaining to the identification, evaluation and placement of students who are, or are believed to be, disabled.

³ The Agreement uses Section 504 for brevity purposes; however, the Title II regulatory requirements are equally applicable.

student to examine relevant records, an impartial hearing with opportunity for participation by the student's parent(s) or guardian and representation by counsel, and a review procedure; and

- (d) The obligation under Section 504 and Title II to refrain from retaliation, pursuant to which DISD may not harass, coerce, intimidate, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the civil rights laws enforced by OCR,⁴ or because any person has made a complaint, testified, or participated in any manner in an OCR investigation or proceeding. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to retaliation.

REPORTING REQUIREMENTS: Action Item 2

- 2.1 **By October 27, 2017**, DISD will submit to OCR for review and approval its proposal for complying with Action Item 2.1. Specifically, the District will provide to OCR the name(s) and credentials of the individual(s) who it proposes to conduct the training session(s), and copies of the proposed materials DISD intends to use at the training session(s).
- 2.2 By **November 30, 2017**, following OCR's approval of the individual(s) and materials referenced in Reporting Requirement 2.1, DISD will provide the training listed in Action Item 2.1.
- 2.3 **Within two (2) weeks** of the completion of the training referenced in Reporting Requirement 2.1, DISD will provide OCR with documentation demonstrating that it has timely completed Action Item 2.1. Specifically, the District will provide to OCR the sign-in sheets of the training session(s) provided pursuant to Action Item 2.1, the date(s) and time(s) the training session(s) occurred, the name(s) and credentials of the individual(s) who conducted the training session(s), and copies of the materials disseminated at the training session(s).

ACTION ITEM 3: Training on the District's Policies and Procedures

- 3.1 **By November 30, 2017**, DISD will provide training, by a qualified individual,⁵ to administrators and relevant staff at TMES responsible for implementing and/or ensuring compliance with the District's policies and procedures for enrollment of homeless students and parent/guardian requests for educational records. The training shall address at a minimum:
 - (a) The District's policies and procedures for homeless students pertaining to enrollment/withdrawal, school placement, and resolution of enrollment disputes

⁴ OCR enforces Federal laws that prohibit discrimination on the bases of race, color, national origin, disability, sex, and age. OCR is also responsible for enforcing the Boy Scouts of America Equal Access Act.

⁵ A person knowledgeable about the DISD policies and procedures referenced in Action Item 3.

(including referral of students, parents, and/or guardians to the District's homeless liaison); and

- (b) The District's policies and procedures for responding to parent/guardian requests for their children's educational records, including Section 504 and student discipline records, as well as how to appropriately process student record requests when students are in the process of transferring or have transferred to another DISD campus.

REPORTING REQUIREMENTS: Action Item 3

- 3.1 **By October 27, 2017**, DISD will submit to OCR for review and approval its proposal for complying with Action Item 3.1. Specifically, the District will provide to OCR the name(s) and credentials of the individual(s) who it proposes to conduct the training session(s), and copies of the proposed materials DISD intends to use at the training session(s).
- 3.2 By **November 30, 2017**, following OCR's approval of the individual(s) and materials referenced in Reporting Requirement 2.1, DISD will provide the training listed in Action Item 3.1.
- 3.3 **Within two (2) weeks** of the completion of the training referenced in Action Item 3.1, DISD will provide OCR with documentation demonstrating that it has timely completed the training. Specifically, the District will provide to OCR the sign-in sheets of the training session(s) provided pursuant to Action Item 3.1, the date(s) and time(s) the training session(s) occurred, the name(s) and credentials of the individual(s) who conducted the training session(s), and copies of the materials disseminated at the training session(s).

Monitoring General Principles

DISD understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the Reporting Requirements of this Agreement. Further, DISD understands that during the monitoring of this agreement, if necessary, OCR may visit DISD, interview staff and contract staff, students, or others and request such additional reports or data as are necessary for OCR to determine whether DISD has fulfilled the terms of this Agreement and is in compliance with Section 504 and Title II and their implementing regulations at 34 C.F.R. § 104 and 28 C.F.R. § 35, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

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

This Agreement will become effective immediately upon the signature of the Superintendent or his designee below.

Signed:

Superintendent or Designee
DISD

Date

Printed Name and Title