

RESOLUTION AGREEMENT

Round Rock Independent School District
OCR Complaint Number 06151151

The Round Rock Independent School District (District) agrees to implement the following Resolution Agreement (Agreement) to resolve allegations in the above referenced complaint, which was opened for investigation by the U. S. Department of Education (Department), Office for Civil Rights, (OCR) pursuant to 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. The complainant alleged that the District discriminated against a student (the Student) attending Ridgeview Middle School (RMS) on the basis of disability (XXX). The District is committed to complying fully with Section 504 and Title II, and, accordingly, it has voluntarily agreed to take the steps outlined in this Agreement. The District understands that OCR has not made an investigatory finding that the District has violated either Section 504 or Title II, and the signing of this Agreement by the District does not constitute an admission by the District that it has violated Section 504 or Title II.

Action Item 1: The District will draft, for OCR's approval, a written policy regarding the obligations of staff to implement students' individualized education plans, and will develop a procedure for ensuring that the provisions included in students' individualized education plans (i.e., IEP, 504 Plan/IAP, BIP, etc.) are consistently implemented.

Reporting Requirement 1: By August 30, 2015, the District will provide to OCR, for OCR approval, a copy of the policy and procedure as specified in this Action Item.

Action Item 2: Within fifteen (15) calendar days of OCR's approval of the District's policy and procedure as described in Item 2 of this Agreement, the District will: (a) begin implementing the policy and procedure; (b) publish the policy and procedure on the District's website; and (c) provide written notice to all District teachers and staff of the policy and procedure.

Reporting Requirement 2: Within ten (10) calendar days of publishing the policy and procedure, as described in Item 2, the District will submit to OCR documentation evidencing satisfaction of the requirements in this Action Item.

Action Item 3: By September 1, 2015, the District will convene placement team (e.g., IEP team) meeting(s) to determine:

- (a) Whether different and/or additional services are necessary to address the Student's needs that, when unmet, may lead to XXX action by the Student; and
- (b) Whether compensatory education services are presently appropriate for the Student due to a loss of educational opportunity resulting from: (a) the failure to provide the Student services required by his individualized education plan (e.g., IEP, BIP and Mediation Agreement); and (b) shortened and eliminated instructional school days from the unavailability of a classroom during the 2014-2015 school year. Where compensatory education services are deemed appropriate, a description of these services will be included in the Student's individualized education plan, and the

complainant will be notified (by mail, certified return receipt) of the compensatory education offered by the District.

Reporting Requirement 3: By October 30, 2015, the District will submit documentation to OCR demonstrating that it has fully complied with this Action Item. Such documentation will include:

- a. A list of the individuals who attended the meeting(s), including each individual's name, title, and role in the meeting.
- b. Documentation of the District's conclusions and a copy or summary of the information the District considered in reaching those conclusions.
- c. A copy of the Student's individualized education plan resulting from the meeting(s).
- d. If applicable, evidence that the complainant was notified in writing of the compensatory education offered by the District.

Action Item 4: Effective immediately, the District will provide the Student all special education related aids and services required by the Student's individualized education plan (including IEP, BIP, Mediation Agreement, etc.) and will not change the provision of such services unless, and until, the Student's individualized education plan is changed using procedures consistent with the requirements of Section 504 at 34 C.F.R. § 104.35 and 104.36. The District will ensure that the Student is provided the special education related aids and services required by his individualized education plan (including access to non-disabled peers, recess and other breaks) by regularly monitoring and tracking the provision of such aids and services to the Student.

Reporting Requirement 4a: By October 30, 2015, the District will submit documentation to OCR demonstrating that it is complying with this Action Item. Such documentation will include:

- a. A copy of the Student's individualized education plan(s) in place during the 2015 fall semester.
- b. Documentation from the District's monitoring and tracking of the provision of aids and services to the Student (from August 2015 through October 2015) including, but not necessarily limited to, logs and signature sheets, progress reports, communication between staff and the Student's parents.
- c. A report referencing and explaining any deviation from the Student's individualized education plan, including, but not limited to: removal of the Student from his regularly scheduled setting to a more private setting; not providing the Student instruction on an academic subject in his class schedule and/or by his assigned teacher(s); not providing him breaks/recess at his regularly scheduled time or place; and, requiring him to stay at home on a day that school is in session.

Reporting Requirement 4b: By December 15, 2015, the District will submit documentation to OCR demonstrating that it is complying with this Action Item. Such documentation will include:

- a. A copy of the Student's individualized education plan(s) in place during the 2015 fall semester.
- b. Documentation from the District's monitoring and tracking of the provision of aids and services to the Student (from November 2015 through December 2015),

including but not necessarily limited to, logs and signature sheets, progress reports, communication between staff and the Student's parents.

- c. A report referencing and explaining any deviation from the Student's individualized education plan, including, but not limited to: removal of the Student from his regularly scheduled setting to a more private setting; not providing the Student instruction on an academic subject in his class schedule and/or by his assigned teacher(s); not providing him breaks/recess at his regularly scheduled time or place; and, requiring him to stay at home on a day that school is in session.

Reporting Requirement 4c: By March 30, 2016, the District will submit documentation to OCR demonstrating that it is complying with this Action Item. Such documentation will include:

- a. A copy of the Student's individualized education plan(s) in place during the 2016 spring semester.
- b. Documentation from the District's monitoring and tracking of the provision of aids and services to the Student (from January 2016 through March 2016), including but not necessarily limited to, logs and signature sheets, progress reports, communication between staff and the Student's parents.
- c. A report referencing and explaining any deviation from the Student's individualized education plan, including, but not limited to: removal of the Student from his regularly scheduled setting to a more private setting; not providing the Student instruction on an academic subject in his class schedule and/or by his assigned teacher(s); not providing him breaks/recess at his regularly scheduled time or place; and, requiring him to stay at home on a day that school is in session.

The District understands that by signing the Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that, during the monitoring of the Agreement, 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 the Agreement and is in compliance with the statute(s) and regulations that were at issue in this case. The District understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the District has fulfilled the terms of the Agreement and is in compliance with the statute(s) and regulations that were at issue in this case. The District 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 District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

For Round Rock Independent School District:

Dr. Steve Flores, Superintendent

Date