

**Resolution Agreement**  
**Arlington Independent School District**  
**OCR Complaint No. 06151238**

The Arlington Independent School District (AISD) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the AISD 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 (amended 1992), 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 AISD 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. This Agreement does not constitute an admission by the AISD that it discriminated or otherwise engaged in any wrongdoing. The AISD hereby voluntarily commits to the following:

**ACTION ITEMS**

By the following dates, the AISD will complete the following actions:

1. By **September 11, 2015**, AISD will send the Student and his legal guardian a letter via regular mail and certified mail, return receipt requested, inviting the Student to re-enroll upon AISD's receipt of the requisite documentation of residency within the District and the appropriate attendance zone and informing the Student and guardian that upon re-enrollment, the AISD will conduct an evaluation of the Student pursuant to Section 504, at 34 C.F.R. § 104.35.
2. If the Student accepts the AISD's invitation to re-enroll in connection with Action Item 1, the AISD 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 determine whether the Student needs compensatory and/or remedial services as a result of the AISD's failure to provide services determined necessary for the Student under Section 504 from the time of his enrollment at the AISD in XXXX through the end of the 2014-2015 school year. If so, within 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 January 29, 2016. The AISD will provide the Student notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.
3. By **September 11, 2015**, the AISD will expunge the Student's disciplinary records for the 2014-2015 school year and notify the Student in writing (via certified mail, return receipt requested) that the Student's 2014-2015 disciplinary record was expunged.
4. By **October 30, 2015**, the AISD 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. The training should be provided to all relevant personnel at XXXX XXXX School (XXS), including, but not limited to, XXS administrators, faculty, and counselors. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to disability discrimination, the evaluation of students who are or are believed to be disabled, and the discipline of students with disabilities. The training shall address, at a minimum:

- The AISD’s obligation to identify and evaluate all students within its jurisdiction who, because of disability, need or are believed to need regular or special education or related aids and services;
- The AISD’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<sup>1</sup> – pursuant to Section 504, at 34 C.F.R. § 104.35;
- The AISD’s policies and procedures for carrying out its obligation to provide procedural safeguards pursuant to Section 504, at 34 C.F.R. § 104.36;
- The AISD’s obligation, when disciplining a student with a disability, to conduct a manifestation hearing prior to issuing any exclusionary discipline that could constitute a significant change in the student’s placement; and
- The AISD’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 REQUIREMENTS**

1. By **September 18, 2015**, the AISD will provide OCR with documentation, including copies of certified letters, demonstrating that it has timely completed Action Item 1.
2. By **October 30, 2015**, the AISD will submit to OCR a narrative report documenting whether the Student has accepted the AISD’s offer to re-enroll/evaluate the Student and the scheduled date of the evaluation.
3. If the Student re-enrolls in the AISD, the AISD will:
  - a. **Within 2 weeks** of making its evaluation decisions with respect to the Student as indicated in Action Item 2, the AISD will submit to OCR documents supporting the group’s decisions. The documentation submitted shall reflect (1) the participants in the meeting, (2) an explanation for decisions made, (3) the information considered, (4) a description of and schedule for providing any special education and/or related aids and services to the Student, and (5) a

---

<sup>1</sup> School districts’ Section 504 obligations regarding transfer students are discussed in OCR’s *Frequently Asked Questions About Section 504 and the Education of Children with Disabilities*, available at <http://www2.ed.gov/about/offices/list/ocr/504faq.html#placement> (“If a student with a disability transfers to a district from another school district with a Section 504 plan, the receiving district should review the plan and supporting documentation. If a group of persons at the receiving school district, including persons knowledgeable about the meaning of the evaluation data and knowledgeable about the placement options determines that the plan is appropriate, the district is required to implement the plan. If the district determines that the plan is inappropriate, the district is to evaluate the student consistent with the Section 504 procedures at 34 C.F.R. 104.35 and determine which educational program is appropriate for the student. There is no Section 504 bar to the receiving school district honoring the previous Section 504 during the interim period”).

description of and schedule for providing any compensatory and/or remedial services to the Student. OCR will, prior to approving the AISD's decisions and plans for providing the proposed services or taking the proposed actions, review the documentation to ensure that the AISD met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.33-104.36, in making these determinations.

- b. In the event the AISD determines that the Student is entitled to compensatory and/or remedial services, the AISD will provide to OCR, no later than **February 5, 2016**, 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.
4. By **September 18, 2015**, the AISD will submit to OCR documentation demonstrating that the Student's 2014-2015 disciplinary record was expunged and a copy of the written notice sent to the Student in connection with Action Item 3.
5. By **November 6, 2015**, the AISD will provide OCR with documentation demonstrating that it has timely completed Action Item 4. At a minimum, the documentation should include the date(s) of the training, the identity and qualifications of the trainer(s), a copy of all written materials provided, and a copy of sign-in sheets indicating the attendees.

The AISD understands that OCR will not close the monitoring of this Agreement until OCR determines that the AISD has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.35, and Title II, at 28 C.F.R. § 35.130, which were at issue in this case.

The AISD understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements contained herein. Further, the AISD understands that during the monitoring of this Agreement, if necessary, OCR may visit the AISD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the AISD has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.35, and Title II, at 28 C.F.R. § 35.130, which were at issue in this case.

The AISD further 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 AISD written notice of the alleged breach and a minimum of 60 calendar days to cure the alleged breach.

---

Dr. Marcelo Cavazos, Superintendent  
Arlington Independent School District

---

Date