

## **RESOLUTION AGREEMENT**

### **Spring Independent School District OCR Case Number: 06151377**

The Spring Independent School District (SISD or District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, SISD commits to the following actions to resolve the allegations in the above-referenced complaint, and 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. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, both of which prohibit discrimination on the basis of disability. This Agreement is not intended to be, nor shall it be construed as an admission by the SISD of a violation of Section 504 or Title II or any other federal civil rights statutes enforced by OCR. Accordingly, the SISD hereby voluntarily agrees to take the following actions.

The SISD understands that OCR will not close the monitoring of this Agreement until OCR determines the District has fulfilled the terms of this Agreement and is in compliance with Section 504 and Title II and the respective implementing regulations. The SISD understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the SISD understands that during the monitoring of this 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 this Agreement and is in compliance with Section 504 and Title II and the respective implementing regulations, which were at issue in this case.

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

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

#### **ACTION ITEM 1**

- 1.1 The SISD shall develop procedures for coordinating transportation for before and/or after-school tutoring for qualified students with disabilities when determined necessary by an Admission/Review/Dismissal (ARD) committee or Section 504 committee with the relevant special education (SPED) and/or Section 504 staff. The procedures will address coordination of transportation for SPED and/or Section 504 students with other local transportation agencies when appropriate (e.g., for SISD students residing outside the District, including students designated as homeless).

- 1.2 The SISD shall review and revise its procedures for providing parents and guardians of qualified students with disabilities with access to their children’s SPED and Section 504 records to ensure that they provide for timely access to these records, including any audio recordings (e.g., recordings of ARD meetings).

**REPORTING REQUIREMENTS:**

- 1.1 By **February 29, 2016**, the SISD will submit to OCR, for its review and approval, a copy of the procedures it has developed and/or revised pursuant to Action Items 1.1 and 1.2.
- 1.2 Within **thirty (30) calendar days** of receipt of written notification from OCR of its approval of the above procedures, the SISD will provide documentation to OCR evidencing the procedures developed and/or revised in accordance with Action Items 1.1 and 1.2 have been fully implemented and that all relevant SISD administrators, faculty, staff, and parents/guardians have been notified of said procedures.

**ACTION ITEM 2**

- 2.1 The SISD will provide training, by a qualified individual,<sup>1</sup> to the Section 504/Title II Coordinator(s), administrators, teachers, and aides responsible for implementing and/or ensuring compliance with Section 504<sup>2</sup> regarding SPED and Section 504 students at Westfield High School. The training shall address at a minimum:
  - (a) The SISD’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 SISD’s jurisdiction, regardless of the nature or severity of the person’s disability;
  - (b) SISD staff members’ obligation to fully implement any Individualized Education Plan or Section 504 Plan that has been developed for a qualified student with a disability (including the procedures referenced in Action Item 1.1 following review and approval by OCR); and
  - (c) The SISD’s obligation to effectively notify parents of the SISD’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 student to examine relevant records, an impartial hearing with opportunity for participation by the student’s parent(s) or guardian and representation by

---

<sup>1</sup> 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.

<sup>2</sup> The Agreement uses Section 504 for brevity purposes; however, the Title II regulatory requirements are equally applicable.

counsel, and a review procedure (including the procedures referenced in Action Item 1.2 following review and approval by OCR).

**REPORTING REQUIREMENTS:**

- 2.1 By **February 29, 2016**, the SISD will submit to OCR for review and approval its proposal for complying with Action Item 2.1. Specifically, the SISD 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 the SISD intends to use at the training session(s).
- 2.2 By **April 15, 2016**, following OCR’s approval of the individual(s) and materials referenced in Reporting Requirement 2.1, the SISD will provide the training listed in Action Item 2.1.
- 2.3 Within **ten (10) calendar days** of the completion of the training referenced in Reporting Requirements 2.1, the SISD will provide OCR with documentation demonstrating that it has timely completed Action Item 2.1. Specifically, the SISD 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).

---

XXXXXX, Superintendent (or designee)  
Spring Independent School District

---

Date