

## **RESOLUTION AGREEMENT**

### **Spring Independent School District OCR Case Number: 06151551**

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: Section 504 Procedures**

- 1.1 The SISD will develop school-level procedures for Joan Link Elementary School (JLES) that ensure qualified students with disabilities are not treated differently, on the basis of their disabilities, than non-disabled students with regard to student academic ceremonies, including grade promotion ceremonies, in accordance with the provisions of Section 504 at 34 C.F.R. §104.4.
- 1.2 The SISD will develop school-level procedures for JLES to ensure qualified students with disabilities are provided non-academic and extracurricular services (including, but not limited to field day activities) in such a manner as is necessary to afford the students with disabilities with an equal opportunity for participation in such services and activities as provided by Section 504 at 34 C.F.R. §104.37. Furthermore, in accordance with

Section 504 at 34 C.F.R. §104.34(b), the District shall ensure that students with disabilities participate with non-disabled students in such activities and services to the maximum extent appropriate.

### **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 pursuant to Action Items 1.1 and 1.2.
- 1.2 Within **thirty (30) days** of receipt of written notification from OCR of its approval of the 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 JLES administrators, faculty, staff and parents/guardians have been notified of the procedures.

### **ACTION ITEM 2: Individual Student**

- 2.1 **By January 19, 2016**, the SISD will send the complainant a letter via certified mail, return receipt requested, notifying the complainant that if the Student applies for re-enrollment and is re-enrolled in accordance with the SISD's policies, the SISD will conduct an evaluation within 30 days of the Student's re-enrollment to identify the Student's need for special education or related aids and services, and determine the propriety of compensatory services, consistent with the Section 504 regulation at 34 C.F.R. §104.35. If, within 20 days of the date on the signed returned receipt (2.1), the complainant has not submitted an application to re-enroll the Student, the SISD will notify OCR of that fact by the 30th day, and the District will have no further obligation to report to OCR regarding Action Items 2.1 or 2.2.
- 2.2 If the complainant accepts the SISD's offer to re-evaluate the Student's disability-related needs and re-enroll the Student, the SISD will conduct the re-evaluation **within thirty (30) calendar days** of the Student's re-enrollment. Pursuant to Section 504 at 34 C.F.R. §104.35, if the Student is re-enrolled, the evaluation will draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The District will ensure the tests and other evaluation materials have been validated for the specific purpose for which they are used and are tailored to assess specific areas of educational need. The SISD will ensure the information obtained from all such sources is documented and carefully considered and the placement decision has been made by a group of persons knowledgeable about the Student, the meaning of the evaluation data, and placement options within the SISD. Based on the evaluation, the SISD will:
  - a. Determine which, if any, related services for transportation should be provided to the Student;

- b. Determine whether any compensatory or remedial services are warranted as a result of any transportation related services that may have been missed in the Spring and/or Summer 2015 terms; and
  - c. Notify the complainant in writing (via certified mail, return receipt requested) of the SISD's determinations made pursuant to this Action Item and provide the complainant with notice of the SISD's system of procedural safeguards.
- 2.3 **Within seven (7) calendar days** of the determination of the Section 504 committee regarding whether transportation related services are necessary for the Student under Action Item 2.2.a, if such services are deemed necessary, the SISD will develop a plan to ensure the transportation services are promptly implemented in accordance with the committee's decision.
- 2.4 **Within seven (7) calendar days**, if the Section 504 committee determines compensatory and/or remedial services are necessary for the Student in accordance with Action Item 2.2.b, then a plan will be developed which specifies the services to be provided to the Student, the manner in which the services will be provided, when the services will be provided, the individuals responsible for providing the services, and the length of time the services will be provided.

**REPORTING REQUIREMENTS:**

- 2.1 By **January 29, 2016**, the SISD will provide OCR with a copy of the above notification to the complainant of the offer to re-enroll the Student, contingent on her re-enrollment, including documents evidencing the notification was sent to the complainant via certified mail, return receipt requested, in accordance with Action Item 2.1.
- 2.2 **By no later than March 25, 2016** of issuing the above notification to the complainant, the SISD will submit to OCR a narrative report documenting whether the complainant has accepted the District's offer to re-enroll/re-evaluate the Student and the scheduled date of the evaluation, if any has been requested by the complainant.
- 2.3 If the complainant accepts the SISD's offer to re-evaluate the Student and re-enrolls her, the SISD will provide documentation to OCR indicating the SISD complied with Action Item 2.2 **within thirty (30) calendar days** of completing the evaluation, including the decisions regarding related services in transportation and whether compensatory and/or remedial services were needed. The documentation must include a list of the meeting participants, an explanation for the decisions made, the information considered, and a description of and schedule for providing transportation related services, and the schedule for providing any compensatory and/or remedial services (if determined necessary) to the Student. OCR will, prior to approving the District's decisions and plan for providing the

- 2.4 proposed services, review the documentation to ensure the SISD met the procedural requirements of the Section 504 regulation at 34 C.F.R. §§104.34, 104.35, and 104.36 in making its determinations.
- 2.5 **Within sixty (60) calendar days** of OCR’s approval of the Section 504 committee’s decisions and plan, if any, for providing the proposed services under Reporting Requirement 2.3, the SISD will provide documentation to OCR of the dates, times, and locations the transportation services were or will be provided, (and if any) compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service providers.

**ACTION ITEM 3: Training**

3.1 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 JLES. The training shall address at a minimum:

- a. The non-discrimination requirements of the Section 504 and Title II regulations at 34 C.F.R. § 104.4 and 28 C.F.R. § 35.130(a), respectively;
- b. The SISD’s school-level Section 504 procedures referenced in Action Items 1.1. and 1.2 following their review and approval by OCR;
- c. 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 student with a disability who is within the SISD’s jurisdiction, regardless of the nature or severity of the student’s disability; and
- d. 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.

**REPORTING REQUIREMENTS:**

3.1 By **February 29, 2016**, the SISD will submit to OCR for review and approval its proposal for complying with Action Item 3.1. 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).

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<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.

- 3.2 By **no later than April 15, 2016**, following OCR’s approval of the individual(s) and materials referenced in Reporting Requirement 3.1, the SISD will provide the training listed in Action Item 3.1.
  
- 3.3 Within **ten (10) calendar days** of the completion of the training referenced in Reporting Requirements 3.1, the SISD will provide OCR with documentation demonstrating that it has timely completed Action Item 3.1. Specifically, the SISD will provide to OCR the sign-in sheet of the training session(s), 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).

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XXXXXXXXXXXXX, Superintendent (or designee) Date  
Spring Independent School District