

RESOLUTION AGREEMENT

Garland Independent School District OCR Case Number: 06-15-1742

The Garland Independent School District (the GISD or District), Garland, Texas, School District (District) agrees to resolve the allegation of discrimination on the basis of disability contained in complaint number 06-15-1742 filed with the U.S. Department of Education, Office for Civil Rights (OCR). The District submits this Resolution Agreement (Agreement) to ensure compliance with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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. This Agreement has been entered into voluntarily by the GISD and does not constitute an admission by the GISD that it is not in compliance with Section 504 or Title II or their implementing regulations.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35, and 104.36, and Title II, at 28 C.F.R. § 35.130(a) and (b)(1)(iii), which were at issue in this case. The District also understands that by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the District understands that during the monitoring of this agreement, if necessary, 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 the regulations implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36, and Title II, at 28 C.F.R. §§ 35.130(a) and (b)(1)(iii), which 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 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 District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

The District hereby voluntarily commits to the following:

ACTION ITEM 1

- 1.1. By **March 31, 2016**, the GISD will notify the complainant in writing (via certified mail, return receipt requested) of its willingness to re-evaluate the Student for the need for any compensatory and/or remedial services pursuant to the Section 504 regulation at 34 C.F.R. § 104.35. The GISD will provide the complainant with a **minimum of thirty (30) calendar days** to respond to its offer to evaluate the Student.
- 1.2. If the complainant accepts the GISD's offer to re-evaluate the Student for the need for any compensatory and/or remedial services, the District will conduct the re-evaluation **within thirty (30) calendar days** of the complainant's notice of acceptance of the offer. Pursuant to the Section 504 regulation at 34 C.F.R. § 104.35, the re-evaluation should be conducted by a group

of persons who are knowledgeable about the Student, the meaning of the evaluation data, and placement options within the GISD. Based on the evaluation, the District will:

- a. Determine whether any compensatory or remedial services are warranted as a result of any delay in the XXXX 2015 term in identifying the Student for eligibility for Section 504 services; and
 - b. Notify the complainant in writing (via certified mail, return receipt requested) of the GISD's determinations made pursuant to this Action Item and provide the complainant with notice of the District's system of procedural safeguards.
- 1.3. If the Section 504 committee determines compensatory and/or remedial services are necessary for the Student in accordance with Action Item 1.2, then **within seven (7) calendar days** of said determination, 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—ACTION ITEM 1:

- 1.1 By **May 31, 2016**, the GISD will provide OCR with a copy of the notification, including documents evidencing the notification was sent via certified mail, return receipt requested to the complainant in accordance with Action Item 1.1.
- 1.2 By **May 31, 2016**, the GISD will submit to OCR a narrative report documenting whether the complainant has accepted the District's offer to re-evaluate the Student and the scheduled date of the evaluation, if any has been requested by the complainant.
- 1.3 If the complainant accepts the GISD's offer to re-evaluate the Student, the District will provide documentation to OCR indicating the GISD complied with Action Item 1.2 **within thirty (30) calendar days** of completing the evaluation, including the decision regarding whether compensatory and/or remedial services are needed. The documentation to submit include documentation showing the participants in the meeting, an explanation for the decisions made, the information considered, and a description of and 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 proposed services, review the documentation to ensure the GISD met the procedural requirements of the Section 504 regulation at 34 C.F.R. §§104.34, 104.35, and 104.36 in making these determinations.
- 1.4 If the Section 504 committee determines the Student needs any compensatory and/or remedial services, **within sixty (60) calendar days** of OCR's approval of decisions and plan for providing the proposed services under Reporting Requirement 1.3, the GISD will provide documentation to OCR of the dates, times, and locations the compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service providers.

ACTION ITEM 2: TRAINING

- 2.1 The GISD will provide training by a qualified individual¹ to the Section 504/Title II Coordinator(s), administrators, teachers, and aides responsible for implementing and/or ensuring compliance with Section 504² regarding special education (SPED) and Section 504 at Vial Elementary School (VES). The training shall address at a minimum:
- a. The GISD’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 GISD’s jurisdiction, regardless of the nature or severity of the student’s disability; and
 - b. GISD staff members’ obligation to timely evaluate students who need, or who are believed to need Section 504 services with respect to their initial placement in the Section 504 program (including students referred by ARD committees).

REPORTING REQUIREMENTS—ACTION ITEM 2:

- 2.1 By **May 31, 2016**, the GISD will submit to OCR for review and approval its proposal for complying with Action Item 2.1. Specifically, the GISD 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 GISD intends to use at the training session(s).
- 2.2 By **September 15, 2016**, following OCR’s approval of the individual(s) and materials referenced in Reporting Requirement 2.1, the GISD 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 GISD will provide OCR with documentation demonstrating that it has timely completed Action Item 2.1. Specifically, the GISD 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).

/s/ _____
Dr. Bob Morrison, Superintendent
Garland Independent School District

Date

¹ 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.

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