



Resolution Agreement
Dallas Independent School District
OCR Complaint No. 06161327

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

ACTION ITEMS

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

1. By **May 1, 2017**, DISD will send the Student and her legal guardian a letter via regular mail and certified mail, return receipt requested, inviting the Student to re-enroll upon DISD'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 DISD will conduct an evaluation of the Student pursuant to Section 504, at 34 C.F.R. § 104.35.
2. If the Student accepts the DISD's invitation to re-enroll in connection with Action Item 1, the DISD 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 DISD's failure to provide services determined necessary for the Student under Section 504 from the time of her enrollment at the DISD in 2015 through October 5, 2015. 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 **June 30, 2017**. The DISD 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 1, 2017**, the DISD 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 Kathlyn Joy Gilliam Collegiate Academy (KJGCA), including, but not limited to, KJGCA 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 DISD’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 DISD’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 districts¹ – pursuant to Section 504, at 34 C.F.R. § 104.35;
- The DISD’s policies and procedures for carrying out its obligation to provide procedural safeguards pursuant to Section 504, at 34 C.F.R. § 104.36.

REPORTING REQUIREMENTS

1. By **May 8, 2017**, the DISD will provide OCR with documentation, including copies of certified letters, demonstrating that it has timely completed Action Item 1.
2. By **May 15, 2017**, the DISD will submit to OCR a narrative report documenting whether the complainant has accepted the DISD’s offer to re-enroll/evaluate the Student and, if so, the scheduled date of the evaluation.
3. If the Student re-enrolls in the DISD, the DISD will:
 - a. **Within 2 weeks** of making its evaluation decisions with respect to the Student as indicated in Action Item 2, the DISD 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 description of and schedule for providing any compensatory and/or remedial services to the Student. OCR will, review the documentation to ensure that the DISD 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 DISD determines that the Student is entitled to compensatory and/or remedial services, the DISD will provide to OCR, no later than **July 1, 2017**, documentation of the dates, times, and locations that any compensatory

¹ 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”).

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 15, 2017**, the DISD will provide OCR with documentation demonstrating that it has timely completed Action Item 3. 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 DISD understands that OCR will not close the monitoring of this Agreement until OCR determines that the DISD 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 DISD 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 DISD understands that during the monitoring of this Agreement, if necessary, OCR may visit the DISD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the DISD 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 DISD 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 DISD written notice of the alleged breach and a minimum of 60 calendar days to cure the alleged breach.

Dr. Michael Hinojosa, Superintendent
Dallas Independent School District

Date