Resolution Agreement  
Dallas Independent School District  
OCR Complaint Nos. 06171006 & 06171336

The Dallas Independent School District (DALLAS ISD) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the DALLAS ISD 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 DALLAS ISD that it discriminated or otherwise engaged in any wrongdoing. The DALLAS ISD hereby voluntarily commits to the following:

**ACTION ITEMS**

By the following dates, the DALLAS ISD will complete the following actions:

1. **By September 1, 2017**, DALLAS ISD will send the complainant a letter via regular mail and certified mail, return receipt requested, inviting the Student to re-enroll, upon DALLAS ISD’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 DALLAS ISD will conduct an evaluation of the Student pursuant to Section 504, at 34 C.F.R. § 104.35.

2. If the Student accepts the DALLAS ISD’s invitation to re-enroll in connection with Action Item 1, the DALLAS ISD 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 DALLAS ISD’s failure to provide services determined necessary for the Student under Section 504 during the 2016-2017 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 **December 31, 2017**. The DALLAS ISD 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 December 31, 2017**, the District 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, as well as its obligation to refrain from retaliating against any person for the exercise of any right protected by Section 504 or Title II. The training should be provided to all relevant personnel at A. Maceo Smith New Tech High School, including, but not limited to school 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 retaliation. The training shall address, at a minimum:

- The District’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 District’s policies and procedures for carrying out its responsibilities to evaluate and re-evaluate students pursuant to Section 504, at 34 C.F.R. § 104.35;
- District staff members’ obligation to fully implement any Section 504 Plan that has been developed for a qualified student with a disability;
- The District’s policies and procedures for carrying out its obligation to provide procedural safeguards pursuant to Section 504, at 34 C.F.R. § 104.36; and
- The District’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.

4. By September 1, 2017, the District will notify the complainant in writing that it is willing to remove from the Student’s academic records the grades that he received for World History P-AP after the second six week cycle. In addition, the District will notify the complainant in writing that it is willing to provide the Student with two options to receive a new grade for the course:

- The student may choose to retake World History P-AP at no additional cost. If the Student chooses this option, the District will expunge the previously awarded grade from the student’s academic records; or
- The Student may choose to retest or resubmit previously graded course work for World History P-AP in order to receive an improved grade. If the student chooses this option, the District will expunge the previously awarded grade from the Student’s academic records. Further, if the Student chooses this option, the District will, within 7 calendar days after the Student chooses this option, assess whether and to what extent it should provide assistance or tutoring to the Student prior to the retest or resubmission of work as a form of compensatory education. After making this assessment, the District will immediately notify the complainant in writing, within 7 calendar days, of any assistance or tutoring the District is offering to the Student.

The complainant shall be provided with a minimum of 15 calendar days from the date of the District’s written notification letter to inform the District of the Student’s choice among the above-referenced options.

REPORTING REQUIREMENTS

1. By October 2, 2017, the DALLAS ISD will provide OCR with documentation, including copies of certified letters, demonstrating that it has timely completed Action Item 1.
2. By **October 2, 2017**, the DALLAS ISD will submit to OCR a narrative report documenting whether the complainant has accepted the DALLAS ISD’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 DALLAS ISD, the DALLAS ISD will:
   a. **Within 2 weeks** of making its evaluation decisions with respect to the Student as indicated in Action Item 2, the DALLAS ISD 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, prior to approving the DALLAS ISD’s decisions and plans for providing the proposed services, review the documentation to ensure that the DALLAS ISD 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 DALLAS ISD determines that the Student is entitled to compensatory and/or remedial services, the DALLAS ISD will provide to OCR, no later than **December 31, 2017**, 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 **January 15, 2017**, DALLAS ISD 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.

5. By **December 31, 2017**, the District will submit a narrative report to OCR documenting when the notification described in Action Item #4 was sent to the complainant and inform OCR of the Student’s choice among the options provided. The District will also provide copies of relevant document(s) demonstrating that the District has fulfilled its obligations consistent with the Student’s choice made pursuant to Action Item #4. If applicable, the District will provide a narrative report of the District’s assessment regarding whether and to what extent it would provide the Student with compensatory education services in the form of assistance and/or tutoring. The District will provide all such relevant documentation within 30 calendar days after the complainant has notified the District that the Student wishes to retest or resubmit previously graded course work for the aforementioned course in Action Item #4.

The DALLAS ISD understands that OCR will not close the monitoring of this Agreement until OCR determines that the DALLAS ISD 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 DALLAS ISD 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 DALLAS ISD understands that during the monitoring of this Agreement, if necessary, OCR may visit the DALLAS ISD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the DALLAS ISD 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 DALLAS ISD 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 DALLAS ISD 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