



## RESOLUTION AGREEMENT

North East Independent School District

OCR Case Number: 06-17-1042

### A. GENERAL TERMS & PRINCIPLES:

The North East Independent School District (District or recipient) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the District commits to the following actions, consistent with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulations 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 regulations at 28 C.F.R. Part 35, to resolve the compliance concerns raised by the complainant's allegations.

The recipient understands that by signing the Agreement, it agrees to provide data and other information in a timely manner. Further, the recipient understands that, during the monitoring of the Agreement, OCR may visit the recipient, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms of the Agreement and is in compliance with the statute(s) and regulations that were at issue in this case.

The recipient understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the recipient has fulfilled the terms of the Agreement and is in compliance with the statute(s) and regulations that were at issue in this case.

The recipient understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the recipient written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement does not constitute an admission by the District that it discriminated or otherwise engaged in any wrongdoing. The District hereby voluntarily commits to these General Terms and Principles, and to the following Action Items and Reporting Requirements.

### B. ACTION ITEMS & REPORTING REQUIREMENTS:

#### *STUDENT-SPECIFIC REMEDIES:*

##### **Action Item 1**

**By April 17, 2017**, the District will notify the Student's mother in writing (via certified mail, return receipt requested) of its willingness to evaluate her son (the Student) pursuant to Section 504, at 34 C.F.R. § 104.35. The District will provide the Student's mother with a minimum of ten (10) calendar days to respond to its offer to evaluate the Student.

### **Reporting Requirements: Action Item 1**

- a. **By April 28, 2017**, the District will provide OCR with a copy of the notification sent to the Student's mother in accordance with Action Item 1.
- b. **By April 28, 2017**, the District will submit to OCR a narrative report (e.g., email) documenting whether the Student's mother has accepted the District's offer to evaluate the Student and the scheduled date of the evaluation.

### **Action Item 2**

If written consent is provided, **by June 2, 2017**, the District will evaluate the Student and determine the appropriate educational placement for him consistent with the procedures listed in the regulation implementing Section 504 at 34 C.F.R. §§ 104.34 and 104.35, and in accordance with the provision of a free appropriate public education (FAPE). If the Section 504 committee determines that the Student is a qualified individual with a disability, then the committee will convene and determine what regular or special education and related aids and services are appropriate to meet the Student's individual educational needs as adequately as the needs of non-disabled persons are met. The District will set forth the regular or special education and related aids and services in a written Section 504 Plan or written Individualized Education Program (IEP), and commence providing the services outlined in the Section 504 Plan or IEP immediately.

### **Reporting Requirements: Action Item 2**

If written consent is provided, **by June 9, 2017**, the District will submit to OCR, for its review and approval, documentation that evidences its completion of a comprehensive Section 504 evaluation of the Student and the District's decision regarding the Student's eligibility for services pursuant to Section 504, including a copy of the Section 504 Plan or IEP prepared for the Student, or if it is determined the Student is not eligible for services, documentation evidencing the evaluation and determinations made by the Section 504 committee. In addition, the District will submit to OCR, for its review and approval, documentation that notice of procedural safeguards was provided to the Student's mother.

### ***REQUIRED TRAINING:***

### **Action Item 3**

**By August 28, 2017**, the District will conduct training regarding the District's obligation under Section 504 and Title II to provide a FAPE to all qualified students with disabilities attending its schools and Section 504's and Title II's prohibitions of disability discrimination and retaliation. The training must be provided to all relevant personnel at Harris Middle School (HMS), including, but not limited to, HMS principals, special education coordinators, Section 504/Title II coordinators, teachers, teacher's aides, counselors, and school resource officers (to include Officer XXXX XXXX and any others). The training will be conducted by an individual or individuals knowledgeable

about laws and issues pertaining to disability discrimination, the evaluation of students who are or who are believed to be disabled, and retaliation. The training must address, at a minimum:

- The District's obligations 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 or re-evaluate a student pursuant to Section 504, at 34 C.F.R. § 104.35;
- The District's policies and procedures regarding restraint, including restraint of students with disabilities;
- Notice of the existence and substance of OCR's Dear Colleague Letter regarding Restraint and Seclusion of Students with Disabilities (Dec. 28, 2016), including providing a printed copy of the Letter;
- Instruction on what type of conduct constitutes different treatment on the basis of disability, pursuant to Section 504 and Title II; and
- Instruction on what type of conduct constitutes retaliation under Section 504 and Title II.

**Reporting Requirement: Action Item 3**

- a. **By June 28, 2017**, and prior to the training that Action Item 3 requires, the District will provide OCR, for review and approval, a copy of the training module and/or outline of the training materials that the District will use; the name, title, credentials, and contact information for the person(s) who will conduct the training; and a description or copy of the notification that the District will use to inform attendees of the mandatory training.
- b. **By September 5, 2017**, the District will provide OCR with detailed information regarding the training that Action Item 3 requires. The District will provide OCR with sign-in sheets for all training sessions showing all staff who attended the training; the date of the training session(s); a copy of the training materials used; and the name, title, credentials, and contact information of the person(s) who provided the training.

**C. EXECUTION:**

On behalf of the North East Independent School District, I hereby agree to and voluntarily submit this Resolution Agreement to the U.S. Department of Education, Office for Civil Rights, Dallas Enforcement Office, and commit to the general terms, principles, action items, and reporting requirements contained herein.

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Signature of Authorized Official  
North East Independent School District

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Date

Print Name & Title of Authorized Official