

RESOLUTION AGREEMENT

Cedar Hill Independent School District OCR Case Number: 06-17-1424

Cedar Hill Independent School District (District) 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 Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et. seq.*, and their respective implementing regulations, to resolve the above-referenced complaint. The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II at issue in this case. 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 the following:

ACTION ITEM 1

By **September 8, 2017**, after providing proper written notice to the Student's parent/guardian, the District will convene an Admission, Review, and Dismissal (ARD) Committee meeting to determine whether the Student needs compensatory and/or remedial services as a result of the District's alleged failure to provide appropriate regular and/or special education or related services to the Student 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 **March 1, 2018**. The District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements

- A. Within **2 weeks** of the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the District's decision and plan for providing the proposed services, review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.
- B. Following the adoption of any plans by the District in order to comply with Action Item 1 of this Agreement, the District will provide documentation to OCR that any placements, aids, and/or services, including compensatory and/or remedial services, deemed

necessary to meet the Student's individual educational needs have, in fact, been provided. This documentation will include the dates, times, and locations that any placements, aids, and/or services, including compensatory and/or remedial services, were provided. The documentation shall also include a description of the services provided and the name(s) of the providers. Documentation of such implementation of placements, aids, and/or services, including compensatory and/or remedial services, will be provided to OCR for each grading period (i.e., following each six- or nine-week period), and no later than 10 days after the end of each grading period during the 2017–2018 school year.

ACTION ITEM 2

The District will provide training regarding its obligation under Section 504 and Title II to provide a Free Appropriate Public Education (FAPE) (including its obligation to fully implement each student's respective Section 504 Plan or IEP) to qualified students with disabilities residing within its jurisdiction. The training should be provided to all relevant personnel at Waterford Oaks Elementary School (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, the discipline of students with disabilities, and retaliation. The training shall address, at a minimum, the District's obligation to fully implement each student's services determined as necessary to provide a FAPE.

Reporting Requirements

- A. By **August 1, 2017**, the District will submit to OCR for review and approval, its proposal for complying with Action Item 2, above. Specifically, the District will provide to OCR the name(s) and credentials of the individual(s) who it proposes to conduct the training session(s), a description and/or copy of the notification that the District will use to inform attendees of the mandatory training and copies of the proposed materials the District intends to use at the training session(s).
- B. Within **60 days** of OCR's approval of the individual(s) and materials referenced in Reporting Requirement 2(A), the District will provide the training listed in Action Item 2.
- C. Within **30 days** of the completion of the training referenced in Reporting Requirement 2(B), the District will provide OCR with documentation demonstrating that it has timely completed Action Item 2 above. Specifically, the District will provide to OCR the names of all individuals who attended the training session(s) provided pursuant to Action Item 2, 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).

The District 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 statute(s) and regulations that 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 sixty (60) calendar days to cure the alleged breach.

Orlando Riddick, Superintendent
Cedar Hill Independent School District

Date