



RESOLUTION AGREEMENT
Spring Branch Independent School District
OCR Case Number: 06171461

A. GENERAL TERMS & PRINCIPLES:

OCR and the Spring Branch Independent School District (Spring Branch ISD, District, or Recipient) enter into this agreement to resolve the allegation in the above-referenced complaints. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures the U. S. Department of Education, Office for Civil Rights, (OCR), that it will take the following actions to comply 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, which prohibits discrimination on the basis of disability; 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, which prohibits certain public entities from discriminating on the basis of disability.

Prior to the completion of OCR's investigation, the District voluntarily agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

B. ACTION ITEMS & REPORTING REQUIREMENTS:

INDIVIDUAL REMEDIES

Action Item 1:

By **October 31, 2017**, the District will convene a meeting of a group of knowledgeable persons, as defined by Section 504, to consider the Student's current accommodation needs; and whether the Student needs compensatory and/or remedial services as a result of any failure on the part of the District to provide appropriate regular and/or special education or related services to the Student during the 2016-2017 school year. If the group determines that the Student needs compensatory and/or remedial services, 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 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 for Action Item 1:

- a. By **November 15, 2017**, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include:
 - i. A list of all participants in the meeting (including names, titles, role in the meeting, and whether or not the participant was a voting member of the group);
 - ii. Records of all information considered during the meeting;
 - iii. Minutes or notes from the meeting;
 - iv. An explanation of the decisions made during the meeting;

- v. A description of and schedule for any compensatory and/or remedial services (if any) determined appropriate for the student; and
 - vi. A copy of the written notification sent to the complainant concerning the date and time of the meeting, and the right of the parent(s)/guardian(s) to attend, and proof of transmission to the complainant (e.g., email chain, certified mail and tracking receipt, etc.).
- b. If compensatory and/or remedial services are deemed necessary, by **January 10, 2018**, the District will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided, a description of what was provided and how it was provided, and the names, titles, and contact information (telephone numbers and email addresses) of the service providers.

SCHOOL-WIDE REMEDIES

Action Item 2:

By **January 15, 2018**, the District will conduct training regarding its obligation under Section 504 and Title II to provide a free appropriate public education 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, at a minimum, the Buffalo Creek Elementary administrators, Section 504 coordinator, and the Student's teachers. The training will also focus on the District's obligation to abide by the requirements of Section 504 and Title II, as it relates to the provision of an appropriate education including the obligation of staff members to fully implement any individualized education program or Section 504 plan that has been developed for a qualified student with a disability and the prohibition of retaliation against any individuals exercising their rights under Section 504 and Title II. The training will be conducted by a person or persons knowledgeable about the requirements of Section 504 and Title II and must be reviewed and approved by OCR prior to the training.

Reporting Requirements for Action Item 2:

- a. By **December 15, 2017**, the District will provide OCR, for OCR's review and approval, the proposed training materials to be used and distributed during the training described in Action Item 2, including any speaker's notes, handouts, and the name, title, contact information, and qualifications of the trainer(s).
- b. By **January 31, 2018**, the District will provide to OCR documentation demonstrating that appropriate officials, administrators, faculty, staff, and volunteers have received the training referenced in Action Item 2, including the date(s) of the training, the names, titles, contact information, and qualifications of the trainer(s), a copy of any materials used and distributed during the training, and a sign-in sheet with the names and titles of individuals who attended the training.

C. EXECUTION:

The District understands that by signing this Agreement, it agrees to provide the foregoing 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 Title IX, and its implementing regulations at 34 C.F.R. Part 106. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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.

This Agreement will become effective immediately upon the signature of the District's representative below.

On behalf of the Spring Branch 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.

Name and Title of Authorized District Official (PRINT)

Date

Signature of Authorized District Official