

Voluntary Resolution Agreement
Alamo Heights Independent School District
OCR Complaint 06171516

To resolve the allegation in the above-referenced complaint, filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act of 1990 (Title II) and their implementing regulations, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, respectively, the Alamo Heights Independent School District (District) enters into this voluntary resolution agreement (Agreement) and commits to implement the provisions in this Agreement. The District agrees to implement the following Action Steps.

Section 504 Grievance Procedures

1. With this Agreement the District provides OCR with Section 504 grievance procedures that offer complaint process options for students pursuing disability discrimination complaints and incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any prohibited actions under Section 504, in accordance with 34 C.F.R. § 104.7(b).
2. Copies of the District's 504 grievance procedures are attached to this Agreement as Exhibits __ through ____ for OCR's review and approval. Within 45 days of the of the date of this Agreement and approval by OCR, the District will provide OCR evidence that these procedures are incorporated within the District's student and employee handbooks and through a link on the District's webpage where the Section 504 procedures are located.

Training

3. Within 90 days of receiving notice from OCR that its proposed policies and procedures have been approved, the District will provide training to all administrators and staff on the subject of disability harassment. Someone knowledgeable about the laws and issues pertaining to disability harassment will provide the training. The training will include:
 - a review of the District's responsibility to comply with Section 504 of the Rehabilitation Act of 1973 (Section 504)¹ and Title II of the Americans with

¹ Section 504 provides that no qualified individual with a disability shall solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. 29 U.S.C. §794(a). See 34 C.F.R. Part 104 (Section 504 implementing regulations).

Disabilities Act of 1990 (Title II)², which state that educational institutions have a responsibility to ensure equal educational opportunities for all students, including students with disabilities, and that disability discrimination, including disability harassment, is a form of discrimination prohibited by Section 504 and Title II.

- an explanation of what constitutes disability harassment, including student-on-student harassment involving demeaning jokes, taunting, and derogatory remarks relating to an individual's disability;
 - a statement that the District does not tolerate disability harassment; and
 - information about each employee's responsibility to report information about disability harassment.
4. By November 1, 2018, the District will provide an outline of the training, a copy of the materials disseminated at the training, the name(s), title(s), and credentials of the individual(s) who conducted the training and a copy of the sign-in sheet (containing the attendee's names, signatures and title).

Individual Relief

5. The District will investigate to determine whether the Student was subjected to unlawful harassment that was severe, pervasive, or persistent to constitute a hostile environment during the 2016-2017 school year, and if so, provide a reasonable, timely and effective offer to Complainant to include: a remedy that is tailored to redress the specific problems or lingering effects experienced by the Student as a result of the harassment including but not limited to counseling/academic/therapy services by the District during the 2018-2019 school year. The District's offer will inform the Complainant that she has fifteen (15) calendar days from the date of the offer to accept the offer by providing written notice of the acceptance. Within 15 days of sending the certified letter to the complainant the District will submit to OCR a copy of the letter sent to the complainant and a copy of the certified receipt.
6. By November 1, 2018, the District will provide OCR information and documentation evidencing its response to the allegations cited in OCR complaint number 06171516. Documentation shall include proof of the investigation (interview notes, written statements, other evidence if applicable, and the determination) and proof of notice of outcome was also provided to Complainant. If the District determines that the Student was subjected a hostile environment, it will also provide OCR documentary evidence of

² Title II provides that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. 42 U.S.C. § 12132. See 28 C.F.R. Part 35 (Title II implementing regulations).

the actions taken to redress the effects of the harassment, prevent recurrence, and ensure that participants are not restricted in their participation of benefits as a result of a hostile environment.

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 Section 504 and its implementing regulations. 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.

Superintendent (or designee)

Date