



RESOLUTION AGREEMENT

McAllen Independent School District
OCR Case Number: 06-17-1625

A. GENERAL TERMS & PRINCIPLES:

The U.S. Department of Education Office for Civil Rights (OCR) and the McAllen Independent School District (District) enter into this agreement to resolve the allegations in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin by recipients of Federal financial assistance; Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities.

Prior to the completion of OCR's investigation, the District 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 5, 2018**, the District will convene a meeting of a group of knowledgeable persons, as defined by Section 504, to consider whether the Student needs compensatory and/or remedial services, such as tutoring or counseling, as a result of any failure on the part of the District to timely evaluate the Student for regular and/or special education or related services 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 **April 12, 2019**. The District will provide the Student's parent(s)/guardian(s) notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements: Action Item 1

- a. By **October 12, 2018**, 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 Student's parent(s)/guardian(s) and proof of transmission (e.g., email chain, certified mail and tracking receipt, etc.).
- b. If compensatory and/or remedial services are deemed necessary, by **April 19, 2019**, 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.

TRAINING & PROFESSIONAL DEVELOPMENT:

Action Item 2

Within thirty (30) calendar days after the District receives written notification of OCR's approval of the training(s) described in this Action Item, the District will conduct training(s) regarding its obligation under Section 504 and Title II to provide a free appropriate public education (FAPE) to all qualified students with disabilities attending its schools and Title VI's prohibition of discrimination on the bases of race, color, and national origin. The training(s) must be provided to all relevant personnel at Victor Fields Elementary School (VFES), including, but not limited to, principals, special education coordinators, Section 504/Title II coordinators, teachers, teacher's aides, counselors, and relevant administrators. The training(s) will be conducted by an individual or individuals knowledgeable about laws and issues pertaining to Section 504, Title II, and Title VI, including the issues below, and must address, at a minimum, the following:

- i. Section 504's and Title II's prohibition of disability discrimination;
 - ii. The District's obligation to identify and evaluate students who, because of disability, need or are believed to need regular or special education or related aids and services;
 - iii. The District's policies and procedures for carrying out its responsibilities to evaluate a student pursuant to Section 504; and
 - iv. Title VI's prohibition of discrimination on the bases of race, color, and national origin.

Reporting Requirements: Action Item 2

- a. By **November 2, 2018**, the District will provide OCR, for OCR's review and approval, the proposed training materials to be used and distributed during the training(s) described in this Action Item, including all speaker's notes, handouts, and PowerPoints (or other

presentations), and the name, title, contact information, and qualifications of the trainer(s).

- b. **Within forty-five (45) calendar days after the District receives written notification of OCR's approval of the training described in this Action Item**, the District will provide to OCR documentation demonstrating that relevant personnel have received that training, including the date(s) of the training(s); the names, titles, contact information, and qualifications of the trainer(s); a copy of all materials used and distributed during the training(s); and a sign-in sheet with the names and titles of individuals who attended the training(s).

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 VI, Section 504, Title II, and their 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.

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

Superintendent or Designee's Name/Title

Superintendent or Designee's Signature

Date