

RESOLUTION AGREEMENT
Des Arc School District
OCR Case Number: 06171661

The Des Arc School District (DASD or the District) and the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office, enter into this agreement to resolve the compliance concerns identified during OCR's investigation of the above-referenced complaint. The DASD assures 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, and its implementing regulation, at 34 C.F.R. Part 104, 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 prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

The DASD is committed to fulfilling its obligation to provide a free appropriate public education (FAPE) to all students with disabilities that reside within the DASD's jurisdiction. Accordingly, the DASD agrees to take the following actions to resolve this complaint:

A. INDIVIDUAL STUDENT REMEDIES

Action Item:

1. By **March 30, 2018**, the DASD will mail a letter via certified mail, return receipt requested, to the parent/guardian of the Student identified in the above-referenced complaint.¹ The letter will notify the Student's parent/guardian that the DASD is committed to complying with its obligation to provide a free appropriate public education to all students with disabilities who reside within the DASD's jurisdiction. The letter will further notify the Student's parent/guardian that, should she choose to re-enroll the Student in the DASD for the 2018-19 school year, the DASD will immediately convene a committee of persons knowledgeable about the Student, the Student's evaluation data, and placement options and, pursuant to the procedural requirements of Section 504, the DASD will re-evaluate the Student and determine whether, because of disability and/or the DASD's failure to provide agreed-upon services to the Student during the 2016-17 school year, the Student is in need of related aids and services, including, as appropriate, compensatory related aids and services. The DASD will also inform the parent/guardian that the DASD's re-evaluation of the Student will consider whether the Student is in need of related aids and services to enable her full participation in any extracurricular activities offered by the DASD.
2. If the parent/guardian of the Student accepts the DASD's offer, then by **September 7, 2018**, the DASD will convene the Section 504 committee and re-evaluate the Student's needs, as explained above in Action Item A1. If determined appropriate, the DASD will develop a plan for the provision of services to the Student during the 2018-19 school year, including timeframes for the provision of any agreed-upon compensatory services.

¹ The Student was previously identified to the DASD in OCR's request for information from the District dated August 4, 2016.

Reporting Requirements:

- By **May 18, 2018**, the DASD shall provide documentation to OCR evidencing that the letter referenced in Action Item A1 was sent to the complainant. If applicable, the DASD shall also provide documentation evidencing any response received by the DASD to the letter.
- If the parent/guardian of the Student accepts the DASD’s offer of re-enrollment and re-evaluation, then by **October 5, 2018**, the DASD will provide documentation to OCR evidencing that the DASD conducted the evaluation required by Action Item A2. The documentation provided to OCR shall include evidence of the appropriate related aids and services, including any agreed-upon compensatory services, that the DASD has determined are necessary to meet the Student’s individual needs (e.g., Section 504 plan). OCR will review the documentation submitted to ensure that the DASD has, in reaching its determinations, met the procedural requirements of the regulations implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36.

B. EXTRACURRICULAR ACTIVITIES

Action Item:

1. By **September 7, 2018**, the DASD will review its policies, procedures, and common practices for ensuring that necessary related aids and services are provided for students with disabilities at XXXX XXXX XXXX, including ensuring that necessary related aids and services are provided to students with disabilities to enable the students’ equal participation in extracurricular activities. If determined appropriate by the DASD, the DASD will make modifications to its current policies and practices (e.g., ensuring that all appropriate staff, including athletic coaches, receive notice of Section 504 plans for students with disabilities, if necessary to afford a student with a disability equal opportunity to participate in athletics).

Reporting Requirement:

- By **October 5, 2018**, the DASD will provide documentation to OCR evidencing that Action Item B1 has been completed. If determined appropriate, the documentation will include a copy of revised policies and procedures.

C. STAFF TRAINING

Action Item:

1. By **September 7, 2018**, the DASD shall ensure that all XXXX XXXX XXXX staff receives training regarding the DASD’s obligation to ensure that students with disabilities

