

Resolution Agreement
Houston Independent School District
OCR Complaint #06-17-1737

OCR and the Houston Independent School District (HISD or the District) enter into this resolution agreement (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 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), as amended, 29 U.S.C. Section 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. Sections 12131 *et seq.*, 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.

Prior to the completion of OCR's investigation, the District agreed to voluntarily 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.

Action Item 1 – Training

The District will provide training regarding its obligation under Section 504 and Title II to provide a FAPE to all qualified students with disabilities residing within its jurisdiction, to promptly and equitably respond to allegations of harassment on the basis of disability, and the prohibition of retaliation against persons who make complaints of disability discrimination. The training should be provided to all relevant personnel, including, but not limited to, District administrators, school administrators, and the faculty, staff, and counselors at the [X---end of sentence redacted---X]. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to disability discrimination. The training shall address, at a minimum:

- a) The requirements, importance, and methods of providing students with disabilities their entitled related aids and services necessary to meet their individual educational needs;
- b) The prohibition of harassment of students with disabilities, including physical or verbal harassment, and the School's responsibility to promptly and equitably respond to allegations of harassment based on disability; and
- c) The prohibition of retaliation against persons who raise complaints of disability discrimination.

Reporting Requirement #1

- a) **Within 60 days** of the signing of this Agreement, the District will submit to OCR, for review and approval, its proposal for complying with Action Item 1 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), 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 1(a), the District will provide the training listed in Action Item 1 above.

Within 30 days of the completion of the training referenced in Reporting Requirement 1(b), the District will provide OCR with documentation demonstrating that it has timely completed Action Item 1 above. Specifically, the District will provide to OCR the names of all individuals who attended the training session(s) provided pursuant to Action Item 1, 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).

Action Item 2 – Compensatory Services

The District will convene a meeting of a group of persons knowledgeable about the Student to determine whether the Student needs compensatory and/or remedial services as a result of the following incidents in the 2016-2017 school year: 1) any failure to provide the Student with related aids and services necessary to meet the Student's educational needs; 2) any disability-based harassment suffered by the Student from students, faculty, and/or administrators at the School; and 3) any threats of discipline against the Student by the School's Assistant Principal.

Reporting Requirement #2

- a) **Within 60 days** after the signing of this Agreement, the District will submit to OCR a report documenting when a group of knowledgeable people was convened to consider the student's possible need for compensatory services, and further, that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34 and 104.35, in making these determinations.
- b) **Within 30 days** of the decision as to whether the Student needs compensatory and/or remedial services, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include the participants in the meeting, an explanation of the decision made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. The District shall also notify the Complainant, via certified mail, of its determination and the proposed services (if any), and provide a copy of the certified mail receipt.

- c) **Within 30 days** of the completion of any compensatory and/or remedial services, the District will provide documentation to OCR of the dates, times and locations that the compensatory and/or remedial services were provided, a description of what was provided, and the names of the service provider(s).

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II.

The District also 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 District has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II. 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 proceeding 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.

Mr. Richard A. Carranza, Superintendent
Houston Independent School District

Date