

FINAL Resolution Agreement
Eagle Pass Independent School District
OCR Complaint No. 06171751

The Eagle Pass Independent School District (District or Recipient) submits this Resolution Agreement to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. The District commits to 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.

Action Item 1 – Training for Personnel

The District will provide training regarding its obligation under Section 504 and Title II to provide a free and appropriate education (FAPE) to all qualified students with disabilities residing within its jurisdiction. The training should be provided to all relevant personnel at Ray Darr Elementary School (RDES), including but not limited to, RDES administrators, faculty, staff, and counselors. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to disability discrimination as well as the evaluation and reevaluation of students who are or are believed to be disabled. The training conducted at RDES shall address the following topics:

- a) The District's obligation to implement services deemed necessary to provide a FAPE to qualified individuals with disabilities, pursuant to Section 504, at 34 C.F.R. § 104.33 specifically regarding the provision of related aids and services, including the implementation of an Individualized Education Program (IEP) and/or Behavior Intervention Plan (BIP).
- b) The District's evaluation requirements for students who need or are believed to need special education or related aids and services when a significant change in placement is contemplated, and any District policies for taking any action with respect to any subsequent significant change in placement of a student who needs or is believed to need special education or related services.
- c) The District's policies and procedures regarding disability harassment and its obligation to take prompt and effective responsive action to address any disability-based harassment directed at students, which is sufficient to constitute a hostile environment.

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.
- c) **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 following: 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– Student's Placement and the Provision of FAPE

On June 8, 2018, the Recipient convened a group of persons knowledgeable about the Student (Group), including the Student's parents, to review and revise his educational placement for the 2018-2019 school year. The Group considered the Student's needs for related aids and services and/or special education services to be provided to him during the 2018-2019 school year.

By September 10, 2018, the District will notify all persons responsible for delivering related services and/or special education services to the Student of their obligation to provide such services to him as specified in his newly developed IEP and/or BIP.

Reporting Requirement #2

- a) **Within 30 days** of the Recipient signing this agreement, the District will submit to OCR documentation showing that it convened a Group to review the Student's educational placement for the 2018-2019 school year. The Recipient will submit to OCR documents supporting any decision(s) made by the Group. The documentation submitted shall include the names of the participants in the meeting, an explanation of the decision(s) made, the information considered, a description of any change in the Student's placement, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. The District shall also provide evidence that the Complainants were notified of any determinations.
- b) **Within 60 days** of providing any compensatory services to the Student (if any) that were determined to be necessary by the Group, and for which the Complainants provided consent, the District will submit to OCR documents evidencing the delivery of such compensatory services.
- c) **Within 30 days of signing this Agreement**, the District will submit to OCR documentation showing that it notified all persons responsible for providing related services and special education services of their obligation to provide such services to the Student as specified in his current IEP and/or BIP to be implemented during the 2018-2019 school year.

Action Item #3-Notice to Complainants Regarding Anti-Retaliation Assurance

The Recipient will provide the Complainants with an assurance that the District will not retaliate against them or the Student because they advocate on the Student’s behalf to secure his rights as a student with a disability.

Reporting Requirement #3

- a) **Within 30 days** of the Recipient signing this agreement, the District will submit to OCR documentation showing that it provided the Complainant’s with the assurance referenced in Action Item 3, above.

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 the Agreement, Further, the District understands that during the monitoring of the Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as necessary for OCR to determine whether the District has fulfilled the terms of the Agreement and is in compliance with the regulations implementing Section 504 and Title II. Upon the completion of the obligations under this Agreement, OCR will close the 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.

/s/
Mr. Gilberto Gonzalez, Superintendent
Eagle Pass Independent School District

9/7/2018
Date