



RESOLUTION AGREEMENT
Fort Bend Independent School District
OCR Case Number: 06181101

The Fort Bend Independent School District (FBISD or Recipient) voluntarily enters this Resolution Agreement (Agreement) with the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office. The Recipient voluntarily agrees it will take the following actions to comply with Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulations at 34 C.F.R. Part 104; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulations at 28 C.F.R. Part 35, and to resolve the Complainant's allegations. This Agreement does not constitute an admission by FBISD that it violated any law, that it discriminated against the Complainant, or that FBISD engaged in any wrongdoing. Prior to the completion of OCR's investigation, FBISD agreed to resolve the complaint. Accordingly, FBISD voluntarily agrees to take the following actions:

ACTION ITEMS & REPORTING REQUIREMENTS:

Action Item 1

Within **10 calendar days of the date of this agreement**, the Recipient will conduct a review of the Student's needs and determine what, if any, modifications to the Fort Bend ISD Extended Day Program (Program) will afford the Student an equal opportunity to access the Program.

Consistent with the requirements of Section 504 and Title II, the Recipient shall consider in its review of the Student's needs how to:

- Provide access to the Program in such manner as is necessary to afford the Student (a qualified individual with a disability) an equal opportunity for participation in the Program;
- Ensure the Student is not excluded from participation in or denied the benefits of the Program;
- Make reasonable modifications to the Program (i.e., in policies, practices, or procedures) when the modifications are necessary to avoid discrimination on the basis of disability *unless* the Recipient can demonstrate that making the modifications would fundamentally alter the nature of the Program.

The Recipient shall not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying the Program *unless* such criteria can be shown to be necessary for the provision of the Program (i.e., the service, program, or activity being offered).

If the Recipient determines that the Student shall be admitted into the Program, it will:

- Ensure that the Student is afforded an equal opportunity to participate in the Program, consistent with the requirements of Section 504 and Title II;
- Notify the Complainant in writing (e.g., email) of its decision to admit the Student (Notice);
- Require the Complainant to notify the Recipient in writing (e.g., email) within 10 calendar days of receipt of the Recipient's decision above as to whether the Student will enroll in the Program for the 2018-2019 school year;

- If the Student will enroll in the Program, the Recipient will ensure the Student is enrolled within three (3) calendar days of receiving written notice from the Complainant.

If the Recipient determines that the Student shall not be admitted into the Program, it will:

- Notify the Complainant in writing (e.g., email);
- Explain in writing why admitting the Student with reasonable modifications would constitute a fundamental alteration to the Program.

Reporting Requirements for Action Item 1

- (a) Within **30 calendar days of the date of this agreement**, the Recipient will submit to OCR documents supporting its decision. The documentation submitted shall include:
- i. A copy of the written notification sent to the Complainant concerning its decision (e.g., email chain, certified mail and tracking receipt, etc.);
 - ii. A list of all participants in the review process (including names, titles, role in the meeting, and whether or not the participant was a voting member of the group);
 - iii. Records of all information considered during the review process;
 - iv. Minutes or notes from the review process;
 - v. An explanation of the decision(s) made during the review process, and a copy of any applicable policies, procedures, and/or practices governing the Recipient's decision and/or decision-making.
 - vi. If the Recipient determines that the Student shall not be admitted into the Program, it will provide a written explanation to OCR supporting its assertion that admitting the Student to the Program with reasonable modifications would constitute a fundamental alteration to the Program. The Recipient understands that OCR will review such a determination and the FBISD must demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

Action Item 2

By **January 15, 2019**, the Recipient will conduct training regarding its obligation under Section 504 and Title II to provide students an equal opportunity to participate in nonacademic services, consistent with the requirements of Section 504 and Title II. The training will reflect that the Recipient must make reasonable modifications to their policies and procedures, and must provide such aids and services, as are necessary to ensure that students with disabilities are afforded an equal opportunity to participate in non-academic and extracurricular activities. The training must be provided to, at a minimum, all Lakeview Elementary (School) administrators, teachers, Program personnel, and the Recipient's Section 504 coordinator(s). The training must be conducted by a person or persons knowledgeable about the requirements of Section 504 and Title II.

Reporting Requirements for Action Item 2

- (a) By **December 1, 2018**, the Recipient will provide OCR, for OCR's review and approval, the proposed training materials to be used during the training described in Action Item 2, including any speaker's notes, PowerPoint presentations, or handouts, and including the name, title, contact information, and qualifications of the trainer(s).

- (b) **Within 10 calendar days** of completing the training in Action Item 2, the Recipient will provide to OCR written verification that all required FBISD faculty, staff, and administrators have received the training, the date(s) of the training, and sign-in sheet(s) with the names and titles of individuals who attended the training.

The Recipient understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the Recipient understands that during the monitoring of the Agreement, if necessary, OCR may visit the recipient, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms of the Agreement.

Upon the Recipient's satisfaction of the commitments made under the Agreement, OCR will close the case.

The Recipient understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the Recipient written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

EXECUTION:

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

Dr. Charles E. Dupre
Superintendent
Fort Bend Independent School District

Date