



RESOLUTION AGREEMENT

Raymondville Independent School District
OCR Case Number: 06-18-1186

A. GENERAL TERMS & PRINCIPLES:

OCR and the Raymondville Independent School District (RISD) enter into this agreement to resolve the allegations in the above-referenced complaints. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the RISD. The RISD 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. § 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. §§ 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 RISD agreed to resolve the issues in this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issues of this investigation, the RISD agrees to take the following actions.

B. ACTION ITEMS & REPORTING REQUIREMENTS:

INDIVIDUAL REMEDIES:

Action Item #1:

By **September 17, 2018**, after providing proper written notice to the Student's parent/guardian, the RISD will conduct a re-evaluation of the Student pursuant to Section 504, at 34 C.F.R. § 104.35. During the evaluation, a group of knowledgeable persons— including persons knowledgeable about the child, the meaning of the evaluation data and the placement options— will determine whether the Student needs compensatory and/or remedial services as a result of the RISD's alleged failure to provide appropriate regular and/or special education or related services during the 2017-2018 school year. If so, within 1 week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **February 15, 2018**. The RISD will provide the Student's parent/guardian 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 **September 28, 2018**, the RISD 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) concerning the date and time of the meeting, and the right of the parent(s)/guardian(s) to attend, 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 February 28, 2018**, the RISD 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.

Action Item #2:

By **August 31, 2018**, the RISD will expunge from the Student's disciplinary record the incident occurring XXXXX XXXXX XXXXX XXXXX XXXXXX XXXXX XXXXX XXXXX XXXXX during the 2017-2018 school year and notify the Student in writing (via certified mail, return receipt requested) that the incident was expunged.

Reporting Requirements Action Item #2:

By **September 28, 2018**, the RISD will provide OCR with documentation, including copies of certified letters, demonstrating that it has timely completed Action Item #2.

Action Item #3:

By **September 17, 2018**, the RISD will develop and implement a documentation system (e.g., have teachers initial a log with date of implementation) to ensure that the related aids and services delineated in the Student's Section 504 plan are communicated to the Student's teachers.

Reporting Requirement: Action Item #3:

By **September 28, 2018**, the RISD will submit for OCR's review a report evidencing that it developed and implemented the documentation system referenced in Action Item #3. This report should include, at a minimum:

- i. A narrative explaining the documentation system and how it is kept; and
- ii. The documentation kept in accordance with the system demonstrating that the related aids and services delineated in the Student's 504 plan were communicated to his teachers.

TRAINING & PROFESSIONAL DEVELOPMENT:

Action Item #4:

By **August 20, 2018**, the RISD will conduct training 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 Section 504's and Title II's prohibitions of disability discrimination and retaliation. The training(s) must be provided to all relevant RISD personnel, including, but not limited to, principals, special education coordinators, Section 504/Title II coordinators, teachers, teacher's aides, counselors, and relevant administrators at XXXXX. The training(s) will be conducted by an individual or individuals knowledgeable about laws and issues pertaining to disability discrimination and retaliation, 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 RISD's obligation to identify and evaluate all students within its jurisdiction who, because of disability, need or are believed to need regular or special education or related aids and services;
- iii. The RISD's obligation to reevaluate a student's need for regular or special education and related aids or services when the Student has a significant change in placement;
- iv. The RISD's policies and procedures for carrying out its responsibilities to evaluate a student pursuant to Section 504;
- v. The RISD's obligation to abide by the requirements of Section 504 and Title II, as they relate to the provision of a FAPE, including the obligation of staff members to fully implement any individualized education program or Section 504 plan that has been developed for a qualified student with a disability; and
- vi. Instruction on what type of conduct constitutes retaliation under Section 504 and Title II.

Reporting Requirement: Action Item #4:

- a. By **September 28, 2018**, the RISD will provide to OCR documentation demonstrating that relevant personnel have received the training conducted in accordance with Action Item 4, including the date(s) of the training; the names, titles, contact information, and qualifications of the trainer(s); a copy of all materials used and distributed during the training; and a sign-in sheet with the names and titles of individuals who attended the training.

C. EXECUTION:

The RISD 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 RISD understands that, during the monitoring of this Agreement, if necessary, OCR may visit the RISD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the RISD has fulfilled the terms of this Agreement

and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. § 104.21, and Title II implementing regulation at 28 C.F.R. § 35.149. Upon completion of the obligations under this Agreement, OCR shall close this case.

The RISD 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 RISD 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 RISD's representative below.

Superintendent or Designee's Name

Superintendent or Designee's Signature

Date