

## **RESOLUTION AGREEMENT**

### **Texhoma Independent School District OCR Complaint No. 06-18-1238**

The U.S. Department of Education, Office for Civil Rights (OCR) and the Texhoma Independent School District (TISD or District) enter into this 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 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 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.

### **ACCESSIBILITY ASSESMENT<sup>1</sup>**

#### **Standards**

Accessibility will be measured during the assessment identified within **Action Item 1** as conformance and compliance with the requirements of Section 504 and Title II. The date of construction and the respective dates of all alterations shall be identified during the assessment. Generally, for components where construction or alterations commenced on or after March 15, 2012, the assessment will determine compliance with the 2010 ADA Standards for Accessible Design (2010 Standards).

#### **XXXX XXXX XXXX (XXXX)**

#### **Action Item 1**

By **November 30, 2018**, the TISD will conduct or complete an assessment of the accessibility of the playground at the XXXX. The TISD will assess routes, ramps, transfer systems, ground surfaces, number and type of components, and maintenance needs of components on the XXXX playground, including specifically the adaptive swing identified pursuant to the Complaint. The TISD will apply the 2010 Standards when assessing the accessibility of the XXXX playground, as discussed within the Accessibility Standards paragraph.

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<sup>1</sup> The TISD may utilize and provide OCR with any accessibility assessments completed prior to the effective date of this agreement. Previously completed accessibility assessments will be sufficient to meet the requirements of this section, if they comply with the elements outlined within this section.

#### Reporting Requirement

By **December 14, 2018**, the TISD will provide OCR with a copy of the results and determinations of the assessment identified within Action Item 1. The results and/or supplemental information provided to OCR, shall include the assessment and identification of the requirements identified within the aforementioned Accessibility Standards paragraph.

### **CORRECTIVE ACTION PLAN(S)**

#### **Action Item 2**

By **January 18, 2019**, the TISD will develop written corrective action plan(s) identifying the modifications, if any, that are necessary to ensure accessibility compliance, pursuant to Section 504 and Title II, of the XXXX playground, as identified within Action Item 1. As part of this process, the TISD will consult with appropriate professionals<sup>2</sup> knowledgeable about the aforementioned Accessibility Standards, to assist it in compliance as necessary. The plan(s) will include a timetable for completion of all identified modifications.

#### Reporting Requirement

By **January 31, 2019**, the TISD will submit to OCR, the written corrective action plans identified within Action Item 2.

#### **Action Item 3**

**Within 30 calendar days of receiving OCR's approval of the proposed written corrective action plan(s)**, the TISD will officially adopt and begin implementing the corrective action plan(s).

#### Reporting Requirements

- i. **Within 60 calendar days of receiving OCR's approval of the proposed written corrective action plan**, the TISD will submit to OCR documentation establishing that the approved corrective action plan is being implemented according to the approved timetable for completion. Reports will be due every **180 calendar days** thereafter until the corrective actions and/or modifications have been completed.
- ii. **Within 60 calendar days of completion of modifications and/or alterations identified pursuant to the approved timeline in the written corrective action plan**, the TISD will submit documentation demonstrating that all actions indicated in the written corrective action plan(s) have been completed.

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<sup>2</sup> The appropriate professionals may be employees, contractors, or other representatives of the TISD, or outside individuals or entities.

## **TRAINING AND PROFESSIONAL DEVELOPMENT**

### **Action Item 4**

By **November 30, 2018**, the TISD will provide training regarding its obligation under Section 504 and Title II to ensure that no qualified individual with a disability shall, because the TISD's facilities are inaccessible to or unusable by disabled individuals, be excluded from participation in, or denied the benefits of services, programs or activities; or otherwise be subject to discrimination by the TISD. The training will be conducted by an individual who is knowledgeable about the laws and issues pertaining to accessibility. The training shall be provided to District Section 504 and Title II Coordinators, and XXXX campus administrators, Title 504 Coordinators, and Title II Coordinators.

#### **Reporting Requirements**

By **December 14, 2018**, the TISD will provide documentation to OCR evidencing that the training required by Action Item 4 has been completed, including the identity of the individual conducting the training and the individual's qualifications, along with a copy of the materials or a summary of the material covered in such training and sign-in sheet(s) or other documentation showing who attended the training.

### **Action Item 5**

By **November 30, 2018**, the TISD 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, as well as its obligation to refrain from retaliating against any person for the exercise of any right protected by Section 504 or Title II. The training should be provided to all relevant personnel, including, but not limited to XXXX administrators, XXXX faculty, XXXX counselors, and XXXX Title 504 Coordinators, and Title II Coordinators. The training will be conducted by an individual who is knowledgeable about the laws and issues pertaining to disability discrimination and the evaluation of students who are or are believed to be disabled.<sup>3</sup> The training shall address, at a minimum:

- (a) The identification and evaluation of all students, who because of disability, need or are believed to need special education or related aids and services;
- (b) The TISD's policies and procedures for carrying out its responsibilities under Section 504 and Title II to provide a free and appropriate public education (FAPE) to each qualified disabled person who is within the TISD's jurisdiction, regardless of the nature or severity of the person's disability;
- (c) The TISD's policies and procedures for carrying out its responsibilities to evaluate and re-evaluate students pursuant to Section 504, at 34 C.F.R. § 104.35;

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<sup>3</sup> The appropriate individual may be an employee, contractors, or other representatives of the TISD, or an outside individual or entity.

- (d) The TISD staff members' obligation to fully implement any Section 504 Plan that has been developed for a qualified student with a disability; and
- (e) The TISD's policies and procedures for carrying out its obligation to provide procedural safeguards pursuant to Section 504, at 34 C.F.R. § 104.36.

#### Reporting Requirement

By **December 14, 2018**, the TISD will provide documentation to OCR evidencing that the training required by Action Item 5 has been completed, including the identity of the individual conducting the training and the individual's qualifications, along with a copy of the materials or a summary of the material covered in such training and sign-in sheets or other documentation showing who attended the training.

### **INDIVIDUAL STUDENT**

#### **Action Item 6**

By **November 30, 2018**, after providing proper written notice to the Student's parent(s)/guardian(s), a group of knowledgeable persons, including the parent(s)/guardian(s), will determine whether the Student needs compensatory and/or remedial services as a result the District's 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, including a timeline for completion. The TISD will provide the Complainant notice of the procedural safeguards including the right to challenge the group's determinations through an impartial due process hearing.

If the Student no longer attends school within the TISD, the TISD will send a letter to the Student's parent(s)/guardian(s), indicating that if the Student ever returns or reenrolls for school within the TISD, within thirty (30) calendar days of reenrollment, the TISD will:

- (a) Convene a group of knowledgeable persons, including the Student's parent(s)/guardian(s), to determine whether the Student needs compensatory and/or remedial services as a result the District's failure to provide appropriate regular and/or special education or related services during the 2017-2018 school year. If the group so determines, it will develop a plan for providing timely compensatory and/or remedial services, including a schedule of services.
- (b) The TISD will provide the Student's parent(s)/guardian(s) notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirement:

- a) Within 14 days (by **December 14, 2018**) of making its decisions with respect to the Student as indicated in Action Item 6, the TISD will submit to OCR documents supporting the group's decisions. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services to the Student, and documentation demonstrating that notice of procedural safeguards was provided to the Student's parent(s)/guardian(s). If the Student no longer attends school within the TISD, the TISD will provide OCR with a copy of the letter indicated within Action Item 6, documentation demonstrating that the letter was sent, documentation demonstrating that notice of procedural safeguards was provided to the Student's parent(s)/guardian(s), and documentation demonstrating that the Student no longer attends school within the TISD.

The District 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 District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff, and request such additional reports or data, as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.21-104.23; and Title II, at 28 C.F.R. §§ 35.149-35.151. 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 proceedings 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.

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**James Mireles, Superintendent**  
**Texhoma Independent School District**

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**Date**