

RESOLUTION AGREEMENT

Austin Independent School District OCR Complaint No. 06181261

OCR and the Austin Independent School District (AISD 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 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), 29 U.S.C. §794 (amended 1992), and its implementing regulation at 34 C.F.R. Part 104, which prohibit retaliation and discrimination on the basis of disability by recipients of Federal financial assistance; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §12132, and its implementing regulation at 28 C.F.R. Part 35, which prohibit retaliation and discrimination on the basis of disability by public entities.

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.

Action Item: Staff Training

1. By **September 14, 2018**, the District will provide training on the subject of Section 504 and Title II compliance and the anti-discrimination and anti-retaliation requirements of those laws, to the Student's teachers, case managers, administrators, counselors, Section 504 compliance coordinators, and IEP/504 committee members for Spring 2017 and the 2018-2019 school year. The training will cover proper procedures for identification, evaluation, placement, and emphasize the importance of implementation of all provisions contained in any Section 504 plans/Individualized Education Programs (IEPs).

Reporting Requirement:

By **September 21, 2018**, the District will provide OCR with an agenda of the training provided to staff consistent with the action items listed above, including, but not limited to: a copy of any handouts, including PowerPoint presentations or similar materials used during the training; the name, title, and qualifications of the person(s) conducting the training(s); and a sign-in sheet for those attending the training, including their name, title, and assigned school (if applicable) of each attendee; and the date of the training session(s).

Action Item #2: New Case Manager

2. By **August 20, 2018**, the District will identify a new case manager for the Student.

Reporting Requirement:

By **August 20, 2018**, the District will provide the Student's parents and OCR with the name, title, and contact information for the identified case manager.

Action Item #3: IEP Meeting

3. By **September 14, 2018**, after providing proper written notice to the Student's parent(s), a group of knowledgeable persons, including the parent(s), will convene a meeting to determine whether the Student needs compensatory and/or remedial services as a result of the District's alleged failure to implement the Student's Spring 2018 IEP. If so, within one (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 the end of the 2018-2019 academic year. The District will provide the parents notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirement:

By **September 21, 2018**, the District will submit to OCR documents supporting the group's decision and notice of procedural safeguards. 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 (if any) to the Student.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with Section 504, and its implementing regulation at 34 C.F.R. Part 104, and Title II and its implementing regulation at 28 C.F.R. Part 35. The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this agreement, OCR may, upon written notice in advance to the District Superintendent, visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has complied with the terms of this Agreement and is in compliance with Section 504, and its implementing regulation at 34 C.F.R. Part 104, and Title II and its implementing regulation at 28 C.F.R. Part 35, which are at issue in 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.

Signed:

/s/
AISD Superintendent

Date