

RESOLUTION AGREEMENT

Austin Independent School District OCR Complaint No. 06-18-1297

The U.S. Department of Education, Office for Civil Rights (OCR) and the Austin Independent School District (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) 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.

Prior to the completion of OCR's investigation, the District requested to resolve the issues of this complaint pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this complaint, the District agrees to take the following actions.

Action Item 1

By **April 15, 2019**, the District will convene a meeting of a group of knowledgeable persons, as defined by Section 504, to consider whether the Student needs compensatory and/or remedial services, such as tutoring or counseling, as a result of any failure on the part of the District to provide appropriate regular and/or special education or related services to the Student (XX---phrase redacted---XX) during the XXXXXXXXXX school year. If the group determines that the Student needs compensatory and/or remedial services, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **October 21, 2019**. The District 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 Requirements: Action Item 1

- a. By **April 26, 2019**, the District 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 meeting 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 **October 28, 2019**, the District 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 **September 30, 2019**, the District will conduct training regarding its obligation under Section 504 and Title II to provide a free appropriate public education, including the obligation to fully implement any individualized education program or Section 504 plan that has been developed for a qualified student with a disability. The training(s) must be provided to all personnel with responsibilities relevant to Section 504 and Title II at the XX---phrase redacted---XX — including, but not limited to, principals, special education coordinators, Section 504/Title II coordinators, teachers, teacher's aides, and counselors. The training(s) will be conducted by an individual or individuals knowledgeable about the relevant requirements of Section 504 and Title II and who possess classroom experience working with students with disabilities.

Reporting Requirements: Action Item 2

- a. By **August 12, 2019**, the District will provide OCR, for OCR's review and approval, the proposed training materials to be used and distributed during the training(s) described in this Action Item, including all speaker's notes, handouts, and PowerPoints (or other presentations) and the name, title, contact information, and qualifications of the trainer(s).
- b. Within **10 calendar days** of the training, the District will provide to OCR documentation demonstrating that relevant personnel have received that training, including the date(s) of the training(s); the names, titles, contact information, and qualifications of the trainer(s); a copy of all training materials used and distributed during the training(s); and a sign-in sheet with the names and titles of individuals who attended the training(s).

Action Item 3

By **September 30, 2019**, the District will update its written policy on XX---phrase redacted---XX to grant an exception for the use of XX---phrase redacted---XX if it has been determined by a student's team pursuant to Section 504 and Title II that a student requires the use of XX---phrase redacted---XX due to a qualified disability. The policy will only apply if it is determined by the ARD or 504 Committee that there is not an adequate alternative to the use of XX---phrase redacted---XX for an educational purpose. XX---paragraph redacted---XX

Reporting Requirements: Action Item 3

Within **10 calendar days** of updating its written policy, the District will provide OCR with a copy of the updated written policy and evidence of its publication on the District's website and/or in the XXXXXXXXXX regarding rules and regulations.

Action Item 4

By **May 15, 2019**, the District will issue a statement through its periodic Legal Update reminding staff that when evaluating a student pursuant to Section 504 and Title II, a student's needs must be determined on an individualized basis by a group of persons knowledgeable about the student and the information considered. The statement shall additionally include the following: Adherence to a District or school policy or procedure cannot circumvent the requirement that a team of persons make determinations concerning a student's needs, based on the individual needs of a student.

Reporting Requirements: Action Item 4

Within **10 calendar days**, of issuing the statement, the District will provide OCR with a copy of the notice to staff, documentation evidencing that the notice was issued, and the method used to issue the memo and the date issued.

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 students, 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 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 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.

Superintendent or Designee's Name/Title

/s/_____
Superintendent or Designee's Signature

Date