

# **RESOLUTION AGREEMENT**

## **OCR Reference No. 06-18-1573**

The U.S. Department of Education, Office for Civil Rights (OCR) and Eanes Independent School District (EISD) enter into this Agreement to resolve the allegation in the above-referenced complaints. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the EISD. The EISD 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 I 04, 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 EISD 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 EISD agrees to take the following actions:

### **A. INDIVIDUAL STUDENT REMEDIES**

#### **Action Item #1:**

1. On or before October 2, 2019 the EISD will ensure that an ARD meeting is scheduled to review, and possibly revise the Student's Individual Education Plan (IEP) for the 2019- 2020 school year. The ARD Committee will consider the Student's needs for related aids and services and/or special education services to be provided during the 2019-2020 school year. As mandated by law, the parents will be invited to attend the meeting and EISD will work with the parent to schedule the meeting at mutually agreeable time.

On the next school day following the implementation of the new IEP, the EISD will notify all persons responsible for delivering related services and/or special education services to the Student of their obligation to provide such services to the Student as specified in her IEP.

#### **Reporting Requirement #1**

- a) On or before October 17, 2019, the EISD will submit to OCR the entire IEP document. The EISD will submit to OCR documents supporting any decision(s) made by the ARD Committee (if any). The documentation submitted shall include the names of the participants in the meeting, an explanation of the decision(s) made (if any), the information considered, a description of any change in the Student's placement (if any), and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. The EISD shall also provide evidence that the Complainants were notified of any determinations.
- b) Within 60 days of providing any compensatory services to the Student (if any) that were determined to be necessary by the ARD Committee, and for which the

Complainants provided consent, the EISD will submit to OCR documents evidencing the delivery of such compensatory services. If compensatory services were not determined to be necessary by the ARD Committee, the EISD has no reporting requirement under this subsection.

- c) On or before October 17, 2019, the EISD will submit to OCR documentation showing that it notified all persons responsible for providing related services and special education services of their obligation to provide such services to the Student as specified in her IEP to be implemented during the 2019-2020 school year.

## **B. STAFF TRAINING**

### **Action Item #2**

The District will provide training regarding its obligation under Section 504 and Title II to provide a free and appropriate education (FAPE) to all qualified students with disabilities residing within its jurisdiction. The training should be provided to all relevant personnel at Westlake High School (WHS), including WHS administrators, teachers, educational paraprofessionals, and counselors. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to disability discrimination as well as the evaluation and reevaluation of students who are or are believed to be disabled. The training conducted at WHS shall address the following topics:

- a) The EISD's obligation to implement services deemed necessary to provide a FAPE to qualified individuals with disabilities, pursuant to Section 504, at 34 C.F.R. § 104.33 specifically regarding the provision of related aids and services, including the implementation of an Individualized Education Program (IEP) and/or Behavior Intervention Plan (BIP).
- b) The EISD's evaluation requirements for students who need or are believed to need special education or related aids and services when a significant change in placement is contemplated, and any District policies for taking any action with respect to any subsequent significant change in placement of a student who needs or is believed to need special education or related services.
- c) The EISD's procedures for ensuring that the related aids and services identified in a student's IEP are being provided, including, but not limited to, procedures for ensuring that teachers/staff providing related aids and services to 504 students receive IEPs of students they will be responsible for serving, and procedures for documenting the provision of accommodations required pursuant to students' IEPs.

### **Action Item # 2 - Reporting Requirement**

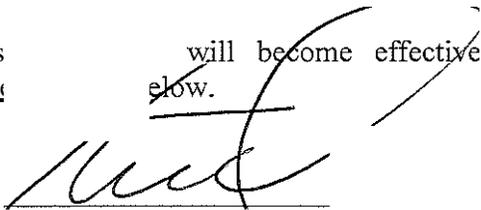
- a) **Within 60 days** of the signing of this Agreement, the EISD will submit to OCR for review and approval, its proposal for complying with Action Item #2, above. Specifically, the EISD will provide to OCR the name(s) and credentials of the individual(s) who it proposes to conduct the training session(s), and copies of the proposed materials the District intends to use at the training session(s).

- b) **Within 60 days** of the commencement of the 2019-2020 academic school year and after receipt of OCR's approval of the individual(s) and materials referenced **in** Reporting Requirement #2, the EISD will provide the training listed in Action Item #2, above.
- c) **Within 30 days** of the completion of the training referenced in Reporting Requirement #2, the EISD will provide OCR with documentation demonstrating that it has timely completed Action Item #2 above. Specifically, the EISD will provide to OCR the names of all individuals who attended the training session(s) provided pursuant to Action Item #2, the date(s) and time(s) the training session(s) occurred, the name(s) and credentials of the individual(s) who conducted the training session(s), and copies of the materials disseminated at the training session(s).

The EISD 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 EISD understands that during the monitoring of this Agreement, if necessary, OCR may visit the EISD, interview staff and students, and request such additional reports or data, as are necessary for OCR to determine whether the EISD has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II. Upon completion of the obligations under this Agreement, OCR shall close the case.

If the District fails to implement the Agreement, 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 EISD written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This repr will become effective immediately upon the signature of the EISD's slow.



Dr. Tom Leonard, Superintendent  
Eanes Independent School District

6/17/19  
Date