

**Resolution Agreement**  
**Clear Creek Independent School District**  
**OCR Complaint No. 06181724**

The U.S. Department of Education, Office for Civil Rights (OCR) and the Clear Creek Independent School District (CCISD) enter into this resolution agreement (Agreement) to resolve the above-referenced complaint. The CCISD assures OCR 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; 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 discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively. Section 504 and Title II also prohibit retaliation.

This Agreement does not constitute an admission by the CCISD that it discriminated or otherwise engaged in any wrongdoing. This is a voluntary resolution agreement. CCISD does not admit to any allegations made by the Complainant nor does the CCISD admit to any liability for violation of Section 504 and/or Title II of the ADA. By entering into this Agreement with OCR voluntarily to resolve the complaint, the CCISD does not waive any requirement to exhaust administrative remedies which may apply to Complainant and/or Student in any future legal proceeding of any nature.

Prior to the completion of OCR's investigation, the CCISD agreed to resolve the complaint pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the CCISD agrees to take the following actions:

**ACTION ITEM I**

The CCISD will provide information to OCR in connection with a training session for Parr Elementary School (PES) and Victory Lakes Middle School (VLMS) teachers, administrators, counselors, and employees responsible for implementing Section 504 and Title II (CCISD Staff) regarding its obligations under Section 504 and Title II. The training will include information about policies and procedures relevant to the prohibition of disability-based discrimination, the provision of a Free Appropriate Public Education (FAPE), and restraint and seclusion of students. The training will also include information about policies prohibiting retaliation against individuals who report disability-based discrimination. The training will be created by one or more individuals knowledgeable about the CCISD's obligations under Section 504 and Title II, and may be delivered to CCISD Staff in person or in an electronic format.

**REPORTING REQUIREMENTS**

**By January 13, 2019**, the CCISD must provide OCR, for its review and approval, the training materials reflecting the topics described in Action Item I that include, but shall not be limited to, the credentials of the individual(s) selected to conduct the training, a proposed plan for the training session (e.g., length of the training session, topics to be considered, etc.), and a description of the training materials to be used by the trainer(s)

and/or provided to attendees during the training session presented in person or in an electronic format.

**Within sixty (60) calendar days** after OCR approves the training-based information described in Action Item I, the CCISD will conduct the training approved by OCR. The training must be provided to all CCISD Staff as defined above from the PES and the VLMS.

**Within ten (10) calendar days** after conducting the final training session in accordance with Action Item I, the CCISD will provide OCR with documentation demonstrating the training session has been completed, including a sign-in sheet or written documentation showing CCISD staff has completed the training in electronic format, the materials used during the training, and any other information indicating that the training sessions were conducted in accordance with the requirements of this Agreement in person or in an electronic format.

## **ACTION ITEM II**

By **November 1, 2018**, after providing proper written notice to the Complainant, the CCISD will convene an Admission, Review, and Dismissal (ARD) Committee meeting to determine whether the Student needs compensatory and/or remedial services as a result of the CCISD's alleged XX--phrase redacted--XX during the 2017-2018 school year. If the ARD Committee determines 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 **May 30, 2019**. The ARD Committee will also review the Student's XX--phrase redacted--XX to determine whether any changes are necessary. The CCISD will provide the Complainant notice of procedural safeguards including the right to challenge the Committee's determination through an impartial due process hearing.

## **REPORTING REQUIREMENTS**

**Within ten (10) calendar days after** the ARD Committee's decision regarding the Student's need for compensatory and/or remedial services, the CCISD will submit documents supporting the group's decision to OCR. The documentation submitted will include documentation identifying the participants in the meeting, an explanation of decisions made, the information considered, and a description of and schedule for providing compensatory and/or remedial services to the Student, if any. OCR will review the documentation to determine whether the CCISD has met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.35 and 104.36.

If the CCISD determines the Student is entitled to compensatory and/or remedial services, the CCISD will provide to OCR, by **June 15, 2019**, documentation of the dates, times, and locations that any compensatory and/or remedial services were provided. The documentation shall include a description of the services provided and the name(s) of the providers.

### **ACTION ITEM III**

By **September 15, 2018**, the CCISD will provide the Complainant a written offer of counseling services for the Student, provided by a CCISD counselor, as a result of alleged XX---phrase redacted---XX during the 2017-2018 school year. The written offer must be provided to the Complainant with 30 calendar days to respond to the offer of counseling for the Student. If the Complainant accepts the CCISD's offer, the CCISD will develop a plan for providing timely counseling services with a completion date not to extend beyond **April 20, 2019**.

### **REPORTING REQUIREMENTS**

**Within ten (10) calendar days** of sending the aforementioned offer, the CCISD will provide OCR a copy of the offer sent to the Complainant, including the address (or e-mail address) to which the CCISD sent the offer, and the delivery tracking number associated with the offer.

By **October 20, 2018**, the CCISD will notify OCR whether the Complainant accepted its offer of counseling services for the Student.

By **April 30, 2019**, if applicable, the CCISD will provide OCR documentation of the dates, times, and locations that any counseling services were provided to the Student. The documentation shall include a general description of the services provided and the name(s) of the counselor.

### **ACTION ITEM IV**

By **October 15, 2018**, the CCISD will provide the Complainant with assurance that the Student's library privileges will be governed by the library policy that applies to all CCISD students, to provide the Student with access to the library that is as effective as access provided to non-disabled students, but will be subject to the structure, schedule, and requirements of the placement determined to be appropriate by the ARD Committee.

### **REPORTING REQUIREMENTS**

**Within ten (10) calendar days** of providing the aforementioned assurance, the CCISD will provide OCR a copy of the assurance sent to the Complainant, including the address (or e-mail address) to which the CCISD sent the assurance, and the delivery tracking number associated with the assurance.

### **ACTION ITEM V**

By **October 15, 2018**, the CCISD will remove the discipline administered to the Student on XX---phrase redacted---XX from the Student's educational record. XX---sentence redacted---XX

**REPORTING REQUIREMENT**

**By January 19, 2019**, the CCISD will provide OCR with documentation reflecting the removal of the above-referenced discipline from the Student’s educational record.

The CCISD understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the CCISD understands that during the monitoring of the Agreement, if necessary, OCR may visit the CCISD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms of the Agreement. Upon the CCISD’s satisfaction of the commitments made under the Agreement, OCR will close the case.

The CCISD further understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR will give the CCISD 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 CCISD’s representative below.

/s/

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Dr. Greg Smith, Superintendent  
Clear Creek Independent School District

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Date