

Resolution Agreement
Dalhart Independent School District
OCR Complaint No. 06181803

The U.S. Department of Education, Office for Civil Rights (OCR) and the Dalhart Independent School District (DISD) enter into this Agreement to resolve the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the DISD. The DISD 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), 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.

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

ACTION ITEM I

The DISD will provide information to OCR in connection with a training session for all Dalhart Intermediate School (DIS) teachers, administrators, and Section 504 coordinators (DIS Staff) regarding its obligations under Section 504 and Title II. The training will include policies and procedures relevant to the evaluation of students who need or are believed to need special education or related services based on disability, how approved services information is communicated to teachers, and implementation of special education or related services. The training will be created by one or more individuals knowledgeable about the DISD's obligations under Section 504 and Title II, and may be delivered to DISD employees in an electronic format.

REPORTING REQUIREMENTS

- I. By March 1, 2019**, the DISD must provide OCR, for its review and approval, information about the training described in Action Item I that includes, 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.

- II. Within ninety (90) calendar days** after OCR approves the training-based information described in Action Item I, the DISD will conduct the training session. The training must be provided to all DIS Staff, as defined above.

- III. Within ten (10) calendar days** after conducting the final training session in accordance with Action Item I, the DISD will provide OCR with documentation demonstrating the training session has been completed, including a sign-in sheet containing the signatures and titles of all attendees, 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.

ACTION ITEM II

By January 17, 2019, the DISD will send the Complainant a letter to the address on file with the DISD via regular mail, delivery tracking, notifying the Complainant that the DISD XX--phrase redacted--XX the DISD will convene a Section 504 committee meeting to determine the appropriate regular or special education and related aids and services necessary to meet the Student's individual educational needs during the 2018-2019 school year. In making such determination, the 504 committee will consider whether the Student needs compensatory and/or remedial services as a result of the allegations raised by Complainant in her Complaint to OCR. If the Section 504 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 prior to the start of the 2019-2020 school year. The District will provide the Student's parent or guardian notice of procedural safeguards including the right to challenge the committee's determination through an impartial due process hearing.

REPORTING REQUIREMENTS

- I.** By **January 31, 2019**, the DISD must provide OCR a copy of the letter mailed to the Complainant including the address to which the DISD mailed the letter, and delivery tracking information for the letter.
- II.** If the Student XX---paragraph redacted---XX in the DISD.
- III.** If XX---phrase redacted---XX, and a Section 504 committee is convened regarding the Student, **within ten (10) calendar days after** the Section 504 committee's decision regarding the Student's need for compensatory and/or remedial services, the DISD 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 any compensatory and/or remedial services to the Student, if any. OCR will review the documentation to determine whether the DISD has met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§104.34, 104.35 and 104.36.
- IV.** If the DISD determines the Student is entitled to compensatory and/or remedial services, the DISD will provide to OCR, by **August 30, 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.

The DISD 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 DISD understands that during the monitoring of the Agreement. Further, if the DISD understands that during the monitoring of the Agreement, if necessary, OCR may visit the DISD, 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 DISD's satisfaction of the commitments made under the Agreement, OCR will close the case.

The DISD 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 DISD 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 DISD's representative below.

Dr. Joe Alcorta, Superintendent
Dalhart Independent School District

Date