



RESOLUTION AGREEMENT

Corpus Christi Independent School District

OCR Case Number: 06-19-1281

The U.S. Department of Education, Office for Civil Rights (OCR), and the Corpus Christi 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), 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 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 1

The District will conduct mandatory training for all staff, at the Metro Schools of Design, who are responsible for scheduling student evaluations, including manifestation determination hearings, pursuant to Section 504. The training will cover the District's obligations under Section 504 and Title II and will highlight the District's obligation to appropriately and timely conduct an evaluation prior to a significant change in a student's placement, including conducting manifestation determination hearings prior to disciplinary actions that constitute significant change in a student's placement (i.e., 10 + days), pursuant to 34 C.F.R. § 104.35(a). The training will be conducted by a person(s) knowledgeable about the requirements of Section 504/Title II.

Reporting Requirement: Action Item 1

By January 31, 2020, the District will provide OCR with detailed information regarding the training of staff about the requirements of Section 504/Title II. The District will provide OCR with sign in sheets for all training sessions evidencing all staff who attended the training, the date, a copy of the training materials used, and the name, title, credentials and contact information for the person(s) who provided the training to comply with this Action Item.

Action Item 2

By October 31, 2019 after providing proper written notice to the Student's parent/guardian, a group of knowledgeable persons, including the parent/guardian, will determine whether the Student needs compensatory and/or remedial services as a result of the District's failure to conduct a manifestation determination hearing XXXX, pursuant to 34 C.F.R. § 104.35(a). If so, within 2 weeks of its determination, the group will develop a plan for providing timely compensatory and/or remedial services. The District will provide the Student's parent/guardian notice of the procedural

safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements: Action Item 2

1. Within **2 weeks** of the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the group's decision. 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. OCR will, prior to approving the District's decision and plan for providing the proposed services, review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.
2. By **January 31, 2020**, 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 the name(s) of the service provider(s).

Action Item 3

By **September 15, 2019**, the District will review the Student's discipline record for the 2018-2019 school year and expunge or redact any reference to discipline the Student received XXXX.

Reporting Requirement: Action Item 3

By **September 30, 2019**, the District will provide OCR with documentation that the Student's discipline record does not reference his removal from the Wynn Seale Metropolitan School of Design.

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.

Roland Hernandez, Superintendent
Corpus Christi Independent School District