

Resolution Agreement
Katy Independent School District
OCR Complaint No. 06191325

The U.S. Department of Education, Office for Civil Rights (OCR) and the Katy Independent School District (the District) 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 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), 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 District agreed to resolve this complaint pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the District agrees to take the following actions:

Action Item #1:

By August 30, 2019, the District will convene a meeting of a group of persons knowledgeable about the Student, as defined by Section 504, to evaluate the Student for regular or special education and related aids and services, regarding his alleged disabilities, including but not limited to allergies. 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:

- a. **Within fifteen (15) calendar days** of the evaluation described above, 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 copy of the written notification sent to the Student's parent(s)/guardian(s) concerning the date and time of the meeting, and the right of the parent(s)/guardian(s) to attend, and proof of transmission (e.g., email chain, certified mail and tracking receipt, etc.).
 - vi. Documentation demonstrating the parent was provided notice of the procedural safeguards.

Action Item #2:

Within thirty (30) calendar days after the District receives written notification of OCR’s approval of the training(s) described in this Action Item, the District will conduct training regarding its obligation under Section 504 and Title II to provide a free appropriate public education (FAPE) to all qualified students with disabilities attending its schools. The training(s) must be provided to all relevant Rylander Elementary School personnel, including: principal(s), assistant principal(s), nurse(s), and Section 504/Title II campus coordinator(s)/assistant coordinator(s). The training(s) will be conducted by an individual or individuals knowledgeable about laws and issues pertaining to disability discrimination and retaliation, including the issues below, and must address, at a minimum, the following:

- i. Section 504’s and Title II’s prohibition of disability discrimination;
- ii. The District’s obligation to identify and evaluate all students within its jurisdiction who, because of disability, need or are believed to need regular or special education or related aids and services;
- iii. The definition of a “handicapped person” pursuant to Section 504 and Title II;
- iv. The District’s policies and procedures for carrying out its responsibilities to evaluate students pursuant to Section 504 and Title II, including policies and procedures for evaluating students with medical needs and/or individual health plans.

Reporting Requirements

- a. By **August 15, 2019**, the District will provide OCR, for OCR’s review and approval, the proposed training materials to be used and distributed during the training described in Action Item #2, 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 forty-five (45) calendar days after the District receives written notification of OCR’s approval of the training described in Action Item #2,** the District will provide to OCR documentation demonstrating that relevant personnel have received that training, including the date(s) of the training; the names, titles, contact information, and qualifications of the trainer(s); a copy of all materials used and distributed during the training; and a certification that the training was provided.

Kenneth Gregorski, Superintendent
Katy Independent School District

Date