

**Resolution Agreement**  
**Dallas Independent School District**  
**OCR Complaint #06-19-1384**

The U.S. Department of Education, Office for Civil Rights, (OCR) and the Dallas Independent School District (the District) enter into this resolution agreement (Agreement) to voluntarily resolve the above-referenced complaint. 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 voluntarily resolve the complaint under investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the District agrees to take the following actions.

**Action Item #1 – Training**

The District will provide training to all faculty and staff at the [XXXX XXXX] School (the School) related to the District's obligations pursuant to Section 504 and Title II to provide a free and appropriate public education to all qualified students with disabilities residing within its jurisdiction.

The training shall include, but not be limited to, implementation of all components of a student's Individualized Education Plan (IEP) or Section 504 Plan (e.g., provision of progress reports according to schedules set forth in a student's disability-related plan) and ensuring the provision of accommodations to students with disabilities pursuant to their needs. 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.

**Reporting Requirement #1**

- a) **Within 90 days** of the signing of this Agreement, the District will submit to OCR for review and approval its proposal for complying with Action Item 1, above. Specifically, the District 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 120 days** of OCR's approval of the individual(s) and materials referenced in Reporting Requirement 1(a), the District will provide the training listed in Action Item 1.
- c) **Within 30 days** of the completion of the training referenced in Reporting Requirement 1(b), the District will provide OCR with documentation demonstrating that it has timely

completed Action Item 1 above. Specifically, the District will provide to OCR the names of all individuals who attended the training session(s) provided pursuant to Action Item 1, 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).

### **Action Item #2 – Compensatory Services**

After providing notice to the Complainant, the District will convene a group of persons knowledgeable about the Student (the Group), consistent with the requirements of Section 504, at 34 C.F.R. §104.35, to evaluate the Student's potential need for compensatory and/or remedial services as a result of any or all of the following:

- 1) The District not providing the Student with necessary [XXXX] services, as prescribed in [XXXX] IEP, in the 2018-2019 school year; and
- 2) The District not providing the Student with oral administration of tests, exams, and/or assignments, as prescribed in [XXXX] IEP, in the 2018-2019 school year.

### **Reporting Requirement #2**

- a) **Within 60 days** of the signing of this Agreement, the District will submit to OCR documentation evidencing that the District provided notice to the Complainant, via certified mail (in addition to other methods), in accordance with Action Item 2.
- b) **Within 120 days** of the District convening the Group in accordance with Action Item 2, the District will submit to OCR documents reflecting the meeting, including documents that support the Group's decision. The documentation submitted shall include, at a minimum:
  - 1) Meeting minutes and related documentation indicating that the Group convened;
  - 2) The Group participants in the meeting;
  - 3) An explanation of the decision made regarding the Student's need for compensatory and/or remedial services;
  - 4) The information considered for the Group's decision; and
  - 5) A description of and schedule for providing compensatory and/or remedial services (if any) to the Student.
- c) **Within 30 days** of the completion of any compensatory and/or remedial services, the District will provide documentation to OCR of the dates, times and locations that the compensatory and/or remedial services were provided, a description of what was provided, and the names of the service provider(s).

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II.

The District also 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 District understands that during the monitoring of the Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as necessary for OCR to determine whether the District has fulfilled the terms of the Agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the 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 proceeding 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.

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Michael J. Hinojosa, Superintendent  
Dallas Independent School District

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Date