

RESOLUTION AGREEMENT

Alief Independent School District
OCR Case Number: 06-19-1482

The U.S. Department of Education (Department), Office for Civil Rights (OCR), and the Alief Independent School District (District or recipient) enter into this resolution agreement (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 the enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 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. § 12131, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination based on disability by recipients of Federal financial assistance from the Department and public entities, respectively.

Prior to the completion of OCR's investigation, the District agreed to resolve the issue of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, the District agrees to take the following action:

Action Item 1: Training

Within (45) calendar days after the District receives written notification of OCR's approval of the training described in this Action Item, the District will provide training regarding its obligation under Section 504 and Title II to provide a free appropriate public education (FAPE) to all qualified students with disabilities residing within its jurisdiction. The training should be provided to all relevant personnel, including, but not limited to, District 504 administrators, XXXX XXXX administrators and XXXX staff, and administrators, counselors, and XXXX staff at the XXXX XXXX School and the XXXX XXXX School. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to disability discrimination and the evaluation of students who are or are believed to require disability-related aids and services. The training shall address, at a minimum:

- a) 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 pursuant to Section 504, at 34 C.F.R. §§ 104.35 and 104.3(j);
- b) The District's policies and procedures for carrying out its responsibilities to evaluate and re-evaluate students pursuant to Section 504, at 34 C.F.R. § 104.35;
- c) The District's policies and procedures for carrying out its obligation to provide procedural safeguards pursuant to Section 504, at 34 C.F.R. § 104.36;
- d) The District's obligation to fully implement any Section 504 plan that has been developed for a qualified student with a disability; and

- e) The provision of a FAPE to students with XXXX and XXXX XXXX.

Reporting Requirements

- a. **By October 15, 2019**, the District will provide OCR, *for review and approval via email*, with a copy of the training materials to be used and distributed during the training described in Action Item 1, including speaker's notes or outline, handouts, and other presentation materials (*e.g.*, PowerPoint) and the name, credentials, and contact information for the person(s) who will conduct the training.
- b. Within of **60 days** receiving OCR's approval referenced in Reporting Requirement (a) above the District will provide OCR documentation demonstrating that relevant personnel have received the training described above, including the date(s) of the training(s); the name, title, contact information, and qualifications of the trainer(s); a copy of all materials used and distributed during the training; and a sign-in sheet with the names and titles of individuals required to attend the training.

Action Item 2: Individual Student

By October 15, 2019, after providing proper written notice to the Student's parent/guardian, the District will convene a group of persons, pursuant to Section 504, at 34 C.F.R. § 104.35, to determine whether the Student is a qualified individual with a disability and, if so, whether the Student needs regular or special education and related services. During the meeting, the District shall also consider whether the Student requires compensatory and/or remedial services as a result of the District's failure to evaluate the Student during the 2018-19 school year as related to the student's disability as a student with diabetes. If so, within two weeks of its determination, the Section 504 Committee will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **May 23, 2020**. 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 as set out in the procedural safeguards.

Reporting Requirements

- a. Within two weeks of the decision as to whether the Student needs regular or special education and related aids and services and/or whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the committee's decision, including the names of all participants in the meeting, an explanation for decisions made, the information considered, a copy of the Section 504 Plan developed for the Student (if any), a description of any compensatory and/or remedial services (if any) to be provided to the Student, and documentation that the District notified the Student's parent/guardian of all determinations met all procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§104.34, 104.35 and 104.36, in making these determinations.

- b. If the District determines that the Student is entitled to compensatory and/or remedial services, the District will provide to OCR, by **December 31, 2019, and, if applicable, by May 31, 2020**, documentation that the Student received all compensatory and/or remedial services. The documentation shall include a description of the services provided, the dates and times the services were provided, and the name(s) of the providers.

EXECUTION:

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. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the complaint.

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.

H.D. Chambers, Superintendent
Alief Independent School District

Date