



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN STREET, SUITE 1620
DALLAS, TEXAS 75201-6831

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

RESOLUTION AGREEMENT
Friendswood Independent School District
OCR Complaint No. 06-19-1855

The U.S. Department of Education, Office for Civil Rights (OCR) and the Friendswood Independent School District (District) enter into this Agreement to resolve an allegation 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) 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.

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

A. ACTION ITEMS & REPORTING REQUIREMENTS:

TRAINING & PROFESSIONAL DEVELOPMENT:

Action Item 1

By **May 15, 2020**, 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 and Section 504's and Title II's prohibitions of disability discrimination. The training must be provided to all relevant personnel at XXXXXXXXXX, including, but not limited to, XX---to end of phrase---XX – and any relevant District-level administrators who work with the XXXXXXXXXX. The training will be conducted by a person or persons knowledgeable about laws and issues pertaining to disability discrimination, including the issues below, and must address, at a minimum, the following:

- i. The District's obligation to timely 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;
- ii. The District's policies and procedures for carrying out its responsibilities to evaluate a student pursuant to Section 504;
- iii. The District's obligation to evaluate a student with a disability to determine if the student's misconduct was caused by or related to the disability (manifestation determination) prior to imposing discipline that constitutes a significant change in

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- placement and, if the misconduct was caused by or related to the disability, reevaluate a student’s need for regular or special education and related aids or services;
- iv. Instruction on when discipline rises to the level of a significant change in placement; and
 - v. The District’s obligation to fully implement any individualized education program or Section 504 plan that has been developed for a qualified student with a disability.

Reporting Requirements: Action Item 1

By **June 1, 2020**, the District will provide to OCR documentation demonstrating that relevant personnel have received the training referenced in Action Item 1, 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 sign-in sheet with the names and titles of individuals who attended the training.

Action Item 2

By **March 31, 2020**, the District will XX---to end of phrase---XX, as defined by Section 504, in accordance with the evaluation process required at 34 C.F.R. § 104.35, to consider XX---to end of sentence---XX. If the group determines that the XX---to end of phrase---XX with a completion date not to extend beyond **December 18, 2020**. The District will provide the Student’s parent(s)/guardian(s) notice XX---to end of phrase---XX.

Reporting Requirements: Action Item 2

- a. By **April 24, 2020**, the District will submit to OCR documents supporting the XXXXX XXXXX. The documentation submitted shall include:
 - i. A list of all XX---to end of phrase---XX (including names, titles, XXXXX);
 - ii. Records of all information considered XX---to end of phrase---XX;
 - iii. Minutes or notes from the XXXXXXXXXXXX;
 - iv. XX---to end of phrase---XX;
 - v. A description of and schedule for XX---to end of phrase---XX;
 - vi. A copy of the written notification sent to the Student’s parent(s)/guardian(s) concerning the XXXXXXXX and proof of transmission (e.g., email chain, certified mail and tracking receipt, etc.);
- b. If XX---to end of phrase---XX, by **December 18, 2020**, the District will provide documentation to OCR of the dates, times, and locations that XX---to end of phrase---XX, a description of what was provided and how it was provided, and the names, titles, and contact information (telephone numbers and email addresses) of the XXXXXXXXXXXX.

Action Item 3

By **May 15, 2020**, the District will update and revise the XXXXXXX XXXXXXXX from the XXXX-XXXX school year specifically relating to the incident that occurred on or about

XXXXX, XXXX (i.e., update records to reflect corresponding District action taken as a result of the XXXXXX).

Reporting Requirement: Action Item 3

By **June 1, 2020**, the District will provide documentation to OCR showing that it updated the XXXXX XXXXXX described in the above Action Item.

B. 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 and is in compliance with Section 504 and its implementing regulations at, 34 C.F.R. §§ 104.4, 104.33, 104.35; and Title II and its implementing regulation at, 28 C.F.R. §35.130. 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.

Superintendent or Designee’s Name/Title

Superintendent or Designee’s Signature

Date