

RESOLUTION AGREEMENT

Frisco Independent School District OCR Complaint No. 06-21-1163

The U.S. Department of Education, Office for Civil Rights (OCR) and the Frisco Independent School District (FISD or District) enter into this resolution agreement (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 FISD. The FISD 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 FISD agreed to resolve the issues under investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the FISD agreed to take the following actions¹:

TRAINING AND PROFESSIONAL DEVELOPMENT AND NOTIFICATION

Action Item 1

By **September 23, 2021**, the FISD 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 administrators, faculty, counselors, and 504 Coordinators, and Title II Coordinators at the XXXX XXXX XXXX XXXX. The training will be conducted by an individual who is knowledgeable about the laws and issues pertaining to disability discrimination and the evaluation of students who are or are believed to be disabled.² The training shall address, at a minimum:

- (a) The identification and evaluation of all students, who because of disability, need or are believed to need special education or related aids and services;
- (b) The FISD's policies and procedures for carrying out its responsibilities under Section 504 and Title II to provide a free and appropriate public education (FAPE) to each qualified disabled person who is within the FISD's jurisdiction, regardless of the nature or severity of the person's disability;

¹ Actions taken by the FISD prior to entering into this Agreement, may constitute compliance with the Agreement if such actions otherwise meet the requirements of the Agreement.

² The appropriate individual may be an employee, contractor, or other representative of the FISD, or an outside individual or entity.

- (c) The FISS'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, including the necessity for reevaluation prior to any significant change in a student's educational placement;
- (d) The FISS staff members' obligation to fully implement any Section 504 Plan that has been developed for a qualified student with a disability; and
- (e) The FISS's policies and procedures for carrying out its obligation to provide procedural safeguards pursuant to Section 504, at 34 C.F.R. § 104.36.

Reporting Requirement

By **September 30, 2021**, the FISS will provide documentation to OCR evidencing that the training required by Action Item 1 has been completed, including the identity of the individual conducting the training and the individual's qualifications, along with a copy of the materials or a summary of the material covered in such training and sign-in sheets or other documentation showing who attended the training.

Action Item 2

By **September 23, 2021**, the FISS will provide training, by a qualified individual,³ to all administrators, faculty, and staff at the XXXX, regarding prohibition against retaliation by the FISS against individuals for opposing an act or policy that is unlawful under any of the laws that OCR enforces or otherwise asserting rights protected by the laws that OCR enforces, including, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990. The training will include examples of adverse actions.

Reporting Requirement

By **September 30, 2021**, the FISS will provide documentation to OCR evidencing that the training required by Action Item 2 has been completed, including the identity of the individual conducting the training and the individual's qualifications, along with a copy of the materials or a summary of the material covered in such training and sign-in sheets or other documentation showing who attended the training.

Action Item 3

By **September 23, 2021**, the FISS will provide training, to all FISS staff members involved in cleaning student desks and tables, in the specific setting in which the Student was present on or around XXXX XXXX XXXX, with respect to Issue 3 identified pursuant to this complaint. The training will

³ A person who is knowledgeable about the issues pertaining to the prohibitions against retaliation pursuant to Section 504 and Title II.

cover protocols and procedures for the storage and use of cleaning/sanitation-related chemicals and cloths, rags, or other items for utilization of such chemicals in furtherance of student safety.

Reporting Requirement

By **September 30, 2021**, the FISD will provide documentation to OCR evidencing that the training required by Action Item 3 has been completed, including the identity of the individual conducting the training and the individual's qualifications, along with a copy of the materials or a summary of the material covered in such training and sign-in sheets or other documentation showing who attended the training.

INDIVIDUAL STUDENT

Action Item 4

By **August 31, 2021**, after providing written notice to the Student's parent(s)/guardian(s), a group of knowledgeable persons, including the Student's parent(s)/guardian(s) if the Student's parent(s)/guardian(s) choose to participate, will conduct a Section 504 placement meeting to determine the individual needs of the Student pursuant to Section 504, at 34 C.F.R. § 104.35. The group of knowledgeable persons will:

- (a) Assess and determine the Student's needs on an individualized basis;
- (b) Determine which regular or special education aids and related services should be provided to the Student and in what educational setting;
- (c) Make placement decisions in compliance with 34 C.F.R. § 104.33-35;
- (d) Notify the Complainant in writing of the FISD's determinations made pursuant to this Action Item and provide the Complainant notice of the FISD's system of procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing;
- (e) Determine whether the Student needs compensatory and/or remedial services as a result of: (1) any failure to provide appropriate regular and/or special education or related services during the XXXX school year and (2) any educational loss suffered by the Student with respect to significant placement changes during the XXXX school year; and
- (f) If the group of knowledgeable persons determines that the Student needs compensatory and/or remedial services, within one week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services, including a timeline for completion.

Reporting Requirements

- i. By **September 7, 2021**, the FISD will submit to OCR documents supporting the group's decisions. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered,

a description of and schedule for providing any compensatory and/or remedial services to the Student, and documentation demonstrating that notice of procedural safeguards was provided to the Student's parent(s)/guardian(s); and

- ii. If applicable, the Fisd will provide OCR with documentation demonstrating completion of the compensatory and/or remedial services. If the Fisd is prevented from providing compensatory and/or remedial services to the Student which were determined to be needed pursuant to Action Item 4, the Fisd will provide documentation to OCR demonstrating the Fisd's efforts to provide the services and the barriers to providing the services. The aforementioned documentation will be provided to OCR **within 14 calendar days** of the Fisd's determined timeline for provision of the respective services.

Action Item 5

By **August 31, 2021**, the Fisd will provide written notification to the Complainant identifying the chemical(s) used on the Student's table on or around XXXX XXXX XXX, which the District believes that the Student may have come in contact with. If the Fisd is unable to confirm the chemical(s) used, the Fisd may identify chemicals that the District believes could have been used.

Reporting Requirement

By **September 7, 2021**, the Fisd will provide OCR with a copy of the notification provided to the Complainant and documentation evidencing how the notification was provided to the Complainant.

The Fisd understands that by signing this Agreement, it agrees to provide the foregoing data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the Fisd understands that during the monitoring of this Agreement, if necessary, OCR may visit the Fisd, interview staff and students, and request such additional reports or data, as are necessary for OCR to determine whether the Fisd has fulfilled the terms of this Agreement. Upon the Fisd's satisfaction of the commitments made under this Agreement, OCR will close the case.

The Fisd understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statutes and regulations. Before initiating such proceedings, OCR shall give the Fisd 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 Fisd's representative below.

Dr. Mike Waldrip
Superintendent
Frisco Independent School District

Date