

RESOLUTION AGREEMENT
Fort Bend Independent School District
Complaint Number 06-21-1419

The U.S. Department of Education (Department), Office for Civil Rights (OCR), and the Fort Bend Independent School District (FBISD or District) enter into this 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 FBISD. The FBISD assures OCR that it will take the following actions, consistent with its obligation to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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 *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 FBISD agreed to resolve the issues in this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the FBISD agrees to take the following actions.

Action Item 1

The FBISD will provide training to administrators, teachers, and staff at XXXXXXXX XXXX XXXXXX regarding the FBISD's obligations pursuant to Section 504 and Title II to provide a free appropriate public education (FAPE) to all qualified students with disabilities residing within its jurisdiction, including 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. The training will cover, at a minimum, the following:

- a. The FBISD's policies and procedures for carrying out its responsibilities to evaluate and re-evaluate students – including transfer students who were receiving Section 504 services at their previous school districts – pursuant to Section 504, at 34 C.F.R. § 104.35;
- b. The FBISD's obligation to provide a FAPE to students with disabilities; and
- c. The FBISD's procedures for ensuring that the related aids and services identified as necessary for a student in a Section 504 Student Services Plan are being provided, including, but not limited to, ensuring that teachers/staff providing related aids and services to 504 students are aware of how the identified accommodations should be provided to the student(s), and procedures for documenting the provision of accommodations identified in a student's Section 504 Plan or Individualized Education Program (IEP).

Reporting Requirement 1

- 1) **By XXXXXXXXX XXX XXXX**, the FBISD will submit to OCR, for review and approval, its proposal for complying with Action Item 1 above. Specifically, the FBISD 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 FBISD intends to use at the training session(s). Within 30 days from FBISD's submission, OCR will notify FBISD in writing that it approves or disapproves FBISD's submission.
- 2) **Within 30 days** of OCR's approval of the individual(s) to conduct the training and materials referenced in Reporting Requirement 2, the FBISD will provide the training described in Action Item 1 above.
- 3) **Within 30 days** of the completion of the training referenced above, the FBISD will provide OCR with documentation demonstrating that it has timely completed Action Item 1 above. Specifically, the FBISD will provide to OCR the names of all individuals who attended the training session(s), 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

By XXXXXXXXX XXX XXXX, the FBISD will conduct a Section 504 evaluation of the Student. During the evaluation, a group of knowledgeable persons – including persons knowledgeable about the child, the meaning of the evaluation data and the placement options – will determine whether the Student needs compensatory and/or remedial services as a result of the District's alleged failure to provide accommodations listed in the Student's Section 504 plan during the 2020-2021 School year. If the group determines compensatory services are necessary, the group will develop a plan, within 1 week of its determination, for providing timely compensatory and/or remedial services. The FBISD will provide the complainant notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirement 2

- 1) **By XXXXXXXXX XXX XXXX**, the FBISD will submit to OCR documents reflecting the meeting, including documents that support the Group's decision. The FBISD shall provide: 1) the participants in the meeting; 2) an explanation of the decision regarding the Student's need for additional educational instruction; and 3) a description of any additional educational instruction (if any) determined necessary for the Student. If the FBISD determines that the Student is not in need of any compensatory educational services, then the FBISD shall provide documentation to OCR evidencing its determination, including the documentation relied upon by the FBISD in reaching this determination. OCR will review the documentation submitted to ensure that the FBISD has, in reaching its determination, met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36.

- 2) Within 30 days of completion of any additional educational services, the FBISD will provide documentation to OCR evincing the dates and times the services were provided and the names of the service provider(s).

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

The FBISD 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 this agreement. Further, the FBISD understands that during the monitoring of this agreement, if necessary, OCR may visit the FBISD, interview staff, and request such additional reports or data as are necessary for OCR to determine whether the FBISD has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The FBISD 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 FBISD 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 FBISD's representative below.

Diana Sayavedra, Acting Superintendent or Designee Signature
Fort Bend Independent School District

Date