



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

Renaissance Tower
1201 Elm Street, Suite 1000
Dallas, TX 75270

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

**Allen Independent School District
Resolution Agreement
Complaint #06-21-1429**

U.S. Department of Education, Office for Civil Rights (OCR), and the Allen Independent School District (AISD) enter into this agreement to resolve Allegation 4 in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by AISD. AISD assures OCR that they 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. § 794, and its implementing regulation at 34 C.F.R. Part 104 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.

Prior to the completion of OCR's investigations, AISD agreed to resolve the Allegation 4 in this investigation 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.

I. Individual Relief

Action Items

- a. By **June 1, 2022**, the District will send the Complainant a letter via email and certified mail, return receipt requested. The letter will:
 1. Invite the Student to re-enroll in the District for the 2022-2023 academic year;
 2. State that if the Student reenrolls within 75 days of the date of the letter, the District will conduct an evaluation of the Student consistent with Section 504 at 34 C.F.R. § 104.35 no later **September 15, 2022**, in order to determine whether the Student requires services to address any deficiencies resulting from the gaps in services experienced by the Student during the spring of 2021; and
 3. State that if such services are determined necessary, all such services will be provided on or before **December 15, 2022**.
- b. If, within 75 days of the date of the letter set forth in Item 1(a) above, the Student reenrolls in the District: By **September 15, 2022**, the District will convene a group of people knowledgeable about the data, the Student, and placement options (Committee) to conduct an evaluation of the Student consistent with the requirements of Section 504, at 34 C.F.R. § 104.35 in order to determine whether the Student requires compensatory and/or remedial services to address any deficiencies resulting from the gaps in services experienced by the Student during the [***redacted***] (504 Meeting). The District will provide written notice to the Student's parents inviting them to attend the 504 Meeting, and will provide the Student's parent(s)/guardian(s) with notice of their procedural safeguards under Section 504, including the right to challenge the group's determination through an impartial due process hearing. If through the evaluation the Committee determines that the Student needs compensatory and/or remedial services, the group will develop a plan for providing timely compensatory and/or remedial services, and ensure that all such services are provided on or before **December 15, 2022**.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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Reporting Requirements

- a. By **June 30, 2022**: The District will submit to OCR documentation, including copies of certified letters and email transmission records, demonstrating that it has timely completed Action Item I(a).
- b. By October 1, 2022: the District will submit to OCR **EITHER**:
 - a. Documentation of the evaluation conducted pursuant to Action Item 1(b). The documentation submitted will include:
 - i. A list of all participants in the meeting (including names and titles);
 - ii. Copies of all documentation and information considered during the meeting;
 - iii. Minutes or notes from the meeting;
 - iv. Documentation of the District's notification of the 504 Meeting, invitation to the Student's parents to attend the meeting, notice of procedural rights under Section 504 provided to the Student's parents, and accompanying transmittal records (e.g. certified mail, email record);
 - v. If the Committee determines that compensatory and/or remedial services are necessary, a copy of the plan or schedule created which ensures that such services will be provided on or before **December 15, 2022**; **OR**
 - b. A signed, notarized statement confirming that the Student did not reenroll with the District within the timeframe specified in Action Item 1(a).
- c. If compensatory and/or remedial services are deemed necessary by the Committee pursuant to Action Item 1(b), by **December 30, 2022**, the District will provide OCR with documentation that all such services have been provided. Such documentation will include, at a minimum:
 - a. The names, titles, and contact information of all staff that provided services;
 - b. The dates and times that each type of services was provided;
 - c. Copies of documentation generated in the course of providing the compensatory/remedial services (e.g. sign in logs, student work, etc.).

II. Training

Action Items

By **July 1, 2022**, AISD will provide a training, consistent with Title II and Section 504, and the requirements set forth in 34 C.F.R. §§ 104.33-104.36, to all current substitute teaching staff at Anderson Elementary School regarding AISD's obligation under Section 504 and Title II to provide a Free, Appropriate Public Education (FAPE) to all qualified students with disabilities attending its school. The training shall address, at a minimum: AISD's policies and procedures for carrying out its responsibilities under Section 504 and Title II to provide a FAPE to each qualified disabled person who is attending its schools, including substitute teachers' obligation to fully implement students' Section 504 plans, and how to access student Section 504 plans. The training will be conducted by individual(s) with demonstrated knowledge about the laws and issues pertaining to disability discrimination, and the provision of FAPE to students pursuant to Section 504.

Reporting Requirements

By **July 1, 2022**, AISD will provide OCR with detailed information regarding the training conducted. Specifically, AISD will provide OCR with:

- a) the sign-in sheets for all training sessions showing all staff who attended the training and the date(s) of the training session(s);
- b) a copy of all training materials used, including handouts, PowerPoint presentations, and any trainer notes;
- c) the name, title, credentials, and contact information of the person(s) who provided the training.

AISD will also provide written assurance from the staff member(s) responsible for hiring temporary and/or substitute staff that any temporary and substitute paraprofessionals hired after the training will be made aware of their responsibilities under Section 504 and Title II.

III. Assurances

AISD 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, AISD understands that, during the monitoring of this Agreement, if necessary, OCR may visit AISD schools, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether AISD has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. § 104.21, and Title II implementing regulation at 28 C.F.R. § 35.149.

The AISD also understands that OCR will not close the monitoring of this Agreement until OCR determines that the AISD has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. § 104.21, and Title II implementing regulation at 28 C.F.R. § 35.149. which were at issue in this investigation.

AISD 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 AISD written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This resolution agreement will become effective immediately upon signature of the Superintendent or designee below.

AISD Superintendent or Designee's Name/Title Printed

AISD's Superintendent or Designee's Signature

Date
