

RESOLUTION AGREEMENT
Copperas Cove Independent School District
Complaint Number 06-21-1750

The U.S. Department of Education (Department), Office for Civil Rights (OCR), and the Copperas Cove Independent School District (CCISD 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 CCISD. The CCISD 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 CCISD 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 CCISD agrees to take the following actions.

Action Item 1

The CCISD will provide training to administrators, teachers, and staff at xxxxxxxxxxxx xxxx xxxx xxxxxx regarding the CCISD'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 CCISD'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 CCISD's obligation to provide a FAPE to students with disabilities; and
- c. The CCISD'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 xxxxx xxxxxxxxx**, the CCISD will submit to OCR, for review and approval, its proposal for complying with Action Item 1 above. Specifically, the CCISD will provide a proposal of deadline dates to submit to OCR (1) the name(s) and credentials of the individual(s) who it proposes to conduct the training session(s) and (2) copies of the proposed materials the CCISD intends to use at the training session(s). Within 30 days from CCISD's submission, OCR will notify CCISD in writing that it approves or disapproves CCISD's proposed trainer and proposed training materials.
- 2) **Within 30 days** of the completion of the training referenced above, the CCISD will provide OCR with documentation demonstrating that it has timely completed Action Item 1 above. Specifically, the CCISD 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 xxxxxxxxxxxxxxxx, the CCISD will contact the Student's parents in writing to offer a 504 meeting for the Student, consistent with the requirements of Section 504 at 34 C.F.R. § 104.35(a) and (b), to consider whether the Student needs compensatory services for any failure to provide accommodations listed in the Student's Section 504 plan during the xxxxxxxxx school year. If the parents request such consideration, the CCISD will hold a Section 504 meeting and, if the Section 504 committee determines that compensatory services are necessary for the Student, the committee will develop a plan for providing such services within ten days of its determination. At the conclusion of the Section 504 meeting, the CCISD will provide the complainant notice of the district's system of procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirement 2

- 1) **By xxxxxxxxxxxxxxxx**, the CCISD shall provide to OCR a copy of its written offer to conduct a 504 meeting for the Student.
- 2) **By xxxxxxxxxxxxxxxx**, the CCISD will submit to OCR information evidencing whether the Student's parent(s) accepted the District's offer to hold a 504 meeting for the Student, and if so, documents demonstrating that the evaluation required pursuant to Action Item 2 was conducted. The CCISD shall provide documentation evincing: 1) the participants in the meeting; 2) an explanation of the committee's decisions regarding the Student's educational needs; and 3) a description of compensatory educational services (if any) determined appropriate for the Student.
- 3) If the CCISD has determined that compensatory educational services are required for the Student, then by xxxxxxxxxxxxxxxx, the CCISD shall provide documentation to OCR demonstrating that the agreed-upon services have been

provided for the Student, including documentation evincing the dates and times the services were provided and the names of the service provider(s).

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

The CCISD 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 CCISD understands that during the monitoring of this agreement, if necessary, OCR may visit the CCISD, interview staff, and request such additional reports or data as are necessary for OCR to determine whether the CCISD 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 CCISD 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 CCISD 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 CCISD's representative below.

Dr. Joseph Burns, Superintendent or Designee Signature
Copperas Cove Independent School District

Date