



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

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

RESOLUTION AGREEMENT
Corpus Christi Independent School District
OCR Complaint No. 06-22-1563

The U.S. Department of Education, Office for Civil Rights, (OCR) and the Corpus Christi Independent School District (the District) enter into this agreement (Agreement) to resolve the above-referenced complaint. 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. § 794 *et seq.*, and its implementing regulations, 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 regulations, at 28 C.F.R. Part 35.

A. ACTION ITEMS & REPORTING REQUIREMENTS:

Action Item 1 – Conduct Section 504/Title II Training for Relevant Staff

If the District cannot otherwise produce sufficient records of relevant training implemented subsequent to the date of the allegations of this complaint, then the District will conduct staff training at the District campuses identified below regarding the District's responsibilities under Section 504 and Title II. The trainings will be conducted by individuals knowledgeable about the laws and issues pertaining to Section 504 and Title II and may be delivered to District employees in an electronic format and/or multiple sessions.

The District will provide training to all District-level staff responsible for identifying, evaluating, and placing students pursuant to Section 504 and Title II; and to all staff at [redacted content] responsible for identifying, evaluating, and placing students pursuant to Section 504 and Title II; including, but not limited to, [redacted content] administrators, faculty, and counselors. At a minimum, the training will address the District's responsibility to provide a free and appropriate public education (FAPE) to qualified students with disabilities in the District's jurisdiction; which includes appropriately identifying, evaluating, and placing students who are believed to need or need special education and related services; providing appropriate regular or special education and related aids and services; and reevaluating a student's educational placement periodically and with respect to subsequent significant changes in placement; pursuant to the Section 504 and Title II implementing regulations respectively located at 34 C.F.R. §§ 104.33–104.35 and 28 C.F.R. § 35.130.

Reporting Requirements: Action Item 1

- a. **By September 30, 2023**, the District will provide OCR, for review and approval, information about any applicable, previous trainings the District provided subsequent to the date of the allegations of this complaint but prior to the execution of this Agreement and described in Action Item 1 of this Agreement. This information will include, but not be limited to, a copy of all training modules, handouts, and materials that were utilized during the training session(s); the name(s), credentials, and contact information of the individual(s) who conducted the trainings; and records of how the District informed attendees of the mandatory training session(s).
- b. **By October 31, 2023**, if the District is unable to successfully produce the prior training materials and records identified in Reporting Requirement (a) for Action Item 1 of this Agreement, or if OCR does not approve of or render sufficient these materials, then the District will conduct the training described in Action Item 1 of this Agreement. In that instance, the District will provide OCR, for review and approval via email prior to conducting this training information including, but not be limited to: a copy of all training modules, handouts, and materials that will be utilized during the training session(s); the name(s), credentials, and contact information of the individual(s) who will conduct the trainings; and a proposed plan/notification that the District will use to inform attendees of the mandatory training session(s) (e.g., topics to be discussed).
- c. **Within ninety (90) calendar days** after OCR approves the training-based information described in Reporting Requirement (b) for Action Item 1 of this Agreement, the District will conduct the trainings, as approved by OCR, for all District staff specified in Action Item 1 and will provide OCR with detailed information regarding the trainings. This information will include, but not be limited to, sign-in sheets for all training session(s) evidencing all staff who attended the trainings; the date the training session(s) were conducted; a copy of the training materials used; and the name(s), credentials, and contact information of the individual(s) who provided such trainings.

Action Item 2 – Offer to Re-evaluate the Student¹ pursuant to Section 504/Title II

By August 31, 2023, the District will notify the Student in writing via email and certified mail of its willingness to re-evaluate the Student pursuant to Section 504, at 34 C.F.R. § 104.35. The District will provide the Student with a **minimum of twenty (20) calendar days** to respond to its offer to re-evaluate the Student.

Reporting Requirements: Action Item 2

- a. **By September 15, 2023**, the District will provide OCR with a copy of the notifications sent to the Student in accordance with Action Item 2.

¹ OCR conveyed the Student's identity to the District within the Initial Data Request issued to CCISD in this case.

- b. **By October 15, 2023**, the District will submit to OCR a confirmation (e.g., email) documenting whether the Student has accepted the District’s re-evaluation offer, as well as the scheduled date of the re-evaluation.

Action Item 3 – Re-evaluate the Student pursuant to Section 504/Title II and Provide Any Necessary Services

If the Student accepts the re-evaluation offer pursuant to Action Item 2, **by October 31, 2023**, after providing proper written notice to the Student, the District will convene a group of knowledgeable persons to evaluate the Student in accordance with Section 504/Title II to determine the Student’s appropriate regular or special education placements, aids, and services.

- a. As part of its meeting, the group of knowledgeable persons will also determine whether the Student needs compensatory and/or remedial services as a result of whether the District properly evaluated the Student and provided appropriate placements, aids, and services during [redacted content].
- b. If the District determines that the Student needs compensatory and/or remedial services, **within 2 weeks** of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond [redacted content]. The District will set forth the regular or special education and related aids, services, and placements in a written Section 504 Plan or written Individualized Education Program (IEP) and commence providing the services. The District 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 Requirements: Action Item 3

- a. If the Student accepts the re-evaluation offer pursuant to Action Item 2, **by November 30, 2023**, the District will submit to OCR documentation which evidences its completion of a Section 504/Title II evaluation of the Student and the District’s decisions regarding the Student eligibility for services pursuant to Section 504/Title II, including a copy of the Section 504 Plan or IEP prepared for the Student, and the Student’s need for any compensatory and/or remedial services. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. In addition, the District will submit to OCR documentation that notice of procedural safeguards was provided to the Student.
- b. Following the adoption of any plans by the District in order to comply with Action Item 3 of this Agreement, the District will provide documentation to OCR that any compensatory and/or remedial services deemed necessary to meet the Student’s individual educational needs have, in fact, been provided. If the District is prevented from providing compensatory and/or remedial services that the District determined to be needed, the District will provide documentation to OCR demonstrating the District’s efforts to provide the services and the barriers to providing the services. Documentation of such implementation of compensatory and/or remedial services will

be provided to OCR at regular intervals commensurate with the duration and scope of services rendered, and **no later than 10 days after the Student’s 22nd birthday.**

Action Item 4 – Review and Correct MGTC Publications

By September 15, 2023, the District will review all external publications relating to the Mary Grett Transition Center (MGTC), to assess for and correct any conflicting program information or clerical errors contained in these publications.

Reporting Requirements: Action Item 4

- a. **By September 1, 2023,** the District will identify and review all MGTC external publications and correct any substantive or clerical errors contained in these documents.
- b. **By September 15, 2023,** the District will submit to OCR a confirmation (e.g., email) documenting all publications reviewed, along with any modifications made to any of these publications pursuant to this Action Item. The confirmation will also identify how and where each MGTC external publication is made available to the general public.

B. GENERAL TERMS & PRINCIPLES:

The District 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 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 and obligations of this Agreement.

The District also understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the District is in compliance with the terms of this Agreement and the statutes and regulations at issue in this case.

The District understands that OCR may initiate proceedings or refer the case to the DOJ for judicial proceedings to enforce the specific terms of this Agreement and the applicable statutes and regulations. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

C. EXECUTION:

This Agreement will become effective immediately upon the signature of the District’s representative below.

Dr. Roland Hernandez, CCISD Superintendent

Date