



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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DALLAS, TX 75201-6810

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

Voluntary Resolution Agreement
Abilene Independent School District (AISD)
OCR Reference: 06-14-1399

The Abilene Independent School District (AISD) voluntarily submits this agreement to resolve the issues in the above referenced complaint. The AISD assures the U. S. Department of Education, Office for Civil Rights, (OCR), that it will continue make its programs and activities accessible, as required by Section 504 of the Rehabilitation Act of 1973 (Section 504), 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. 12132, and its implementing regulations at 28 C.F.R. Part 35.

The AISD is subject to Section 504 and Title II because it receives Federal financial assistance from the Department and is a public entity. In light of the compliance concerns identified for Complaint Number 06-14-1399, the AISD has agreed to the terms of this Agreement as set forth below.

Action Item 1

By **November 30, 2014**, the AISD will provide the complainant, by certified mail return receipt requested, a copy of the final report, which documents the investigation conducted by the CMS principal regarding the complaint submitted by the complainant on April 25, 2014, relative to Issue 2.

Reporting Requirement: Action Item 1

By **November 30, 2014**, the AISD will submit to OCR a copy of the CMRRR referenced above, as well as a copy of the correspondence sent to the complainant, including the report.

Action Item 2

By **March 20, 2015**, the AISD will conduct mandatory training for all faculty, staff and administrators employed at Craig Middle School (CMS). The training will highlight the AISD's obligation to abide by the requirements of Section 504 and Title II. Specifically, the training will include a discussion of the requirements of Section 504 and Title II to not discriminate against persons based on disability, to include disability harassment. The training will detail the different types of disability harassment¹ and the AISD's obligation to prevent and respond to notifications of such harassment.

¹ Examples of such harassment include but are not limited to the following scenarios: taunt or belittle a student with mental retardation by mocking and intimidating him so he does not participate in class, call a student a name, or call a student a derogatory name. *The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

Additionally, the AISD will provide mandatory training for all CMS faculty, staff and administrators who are involved in receiving, processing, investigating and/or resolving complaints of discrimination based on disability, including disability harassment. The training will address the AISD's responsibility, pursuant to Section 504 and Title II, to investigate or otherwise respond to complaints of disability discrimination. The training will also highlight the importance of the regulations prohibition of retaliation and intimidation for persons who file complaints and/or involved with such investigations. The training will include, but is not limited to, a review of the AISD's grievance procedures; how to properly implement these procedures, a review of the appropriate steps to take once a faculty/staff/administrator is notified of possible discrimination based on disability and what role the AISD's designated Section 504/Title Coordinator plays in investigations.

Reporting Requirements: Action Item 2

By **December 15, 2014**, and prior to the training, the AISD will provide OCR, *for review and approval*: a copy of the training module and/or outline of the training materials that the AISD will utilize, the name, credentials and contact information for the person(s) who will conduct the training and a description and/or copy of the notification that the AISD will use to inform attendees of the mandatory training.

By **March 20, 2015**, the AISD will provide OCR with detailed information regarding the training of staff and the requirements of Section 504 and Title II, as described above. The AISD will provide OCR with sign in sheets for all training sessions evidencing all staff who attended the training, the date, a copy of the training materials used, and the name, title, credentials and contact information for the person(s) who provided the training to comply with this Action Item.

Action Item 3

By **November 30, 2014**, the AISD will offer the complainant counseling for the Student, provided by an employee of the AISD and at no cost to the complainant. The AISD will notify the complainant in writing of this offer via CMRRR. The complainant will have **ten calendar days** to respond and accept or reject the AISD's offer for counseling. The complainant is encouraged to notify the AISD of her decision in writing. If the complainant accepts the offer, the counseling shall commence within fourteen business days of the acceptance and not extend past the end of the 2014-2015 school year.

student with a disability "retarded" "deaf and dumb", deny a student access to recess or field trips as punishment for absences associated with the student's disability, etc.

Reporting Requirement: Action Item 3

By **December 15, 2014**, the AISD will provide OCR with a copy of the CMRRR, as well as a copy of the correspondence sent to the complainant, to include the offer, and the complainant’s response.

The AISD understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with Section 504, and its implementing regulation at 34 C.F.R. Part 104, and Title II and its implementing regulations at 28 C.F.R. Part 35.

The AISD 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 AISD understands that during the monitoring of this agreement, if necessary, OCR may visit the school district, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the school district has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504, and its implementing regulation at 34 C.F.R. Part 104, and Title II and its implementing regulations at 28 C.F.R. Part 35, which was at issue in this case.

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

AISD Superintendent or Designee

Date