

Resolution Agreement
Humble Independent School District
OCR Complaint No. 06151213

Humble Independent School District (HISD) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office. By this Agreement, HISD commits to the following actions, consistent with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, 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. § 12132, and its implementing regulations at 28 C.F.R. Part 35, to resolve the compliance concerns identified through OCR's investigation of the above-referenced complaint. HISD hereby voluntarily commits to the following:

ACTION ITEM 1: Training/Education

- 1.1 By July 10, 2016, HISD will develop and submit to OCR for review and approval proposed campus-wide training regarding its obligation under Section 504 to provide a free appropriate public education (FAPE) to all qualified students with disabilities. The proposed training must be provided to all relevant personnel, including, but not limited to, school administrators, faculty, and counselors. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to disability discrimination. The training shall address, at a minimum:
- (a) HISD's policies and procedures for carrying out its responsibilities under Section 504 to provide a FAPE to each qualified disabled person in the district, regardless of the nature or severity of the person's disability; and
 - (b) HISD staff members' obligation to fully implement any individualized education program (IEP) or Section 504 Plan that has been developed for a qualified student with a disability.

REPORTING REQUIREMENT:

- 1.2 By July 31, 2016, HISD will provide OCR the proposed training materials to be used or distributed during the training, including any speaker's notes, and the name, title, and qualifications of the trainer(s).

ACTION ITEM 2: Training/Education

- 2.1 Within 14 calendar days of OCR's written notification that the proposed training complies with the requirements of Section 504, Title II, and this Agreement, HISD will conduct the training for all relevant personnel, including, but not limited to, school administrators, faculty, and counselors.

REPORTING REQUIREMENT:

- 2.2 By September 6, 2016, HISD will provide documentation to OCR evidencing that the training required by Action Item 2.1 has been completed, including the date, time, and location of the training, the topics addressed at the training program, the identity of the individual(s) who conducted the training and the individual('s') qualifications, along with a copy of the materials or a summary of the material covered in such training and sign-in sheet(s) or other documentation showing who attended the training.

ACTION ITEM 3: Student Remedies

- 3.1 By May 30, 2016, after providing proper written notice to the complainant, a group of knowledgeable persons will determine whether the Student needs compensatory and/or remedial services as a result of HISD's failure to provide the Student appropriate regular and/or special education or related services during the 2014-2015 school year. If so, within one week 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 the last day of the Fall 2016 semester. HISD will provide the complainant written notice of the applicable procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIREMENTS:

- 3.2 Within two weeks of the decision as to whether compensatory and/or remedial services are needed, HISD will submit to OCR documents supporting the group's decision. 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. OCR will, prior to approving HISD's decision and plan for providing the proposed services, review the documentation to ensure that HISD met the procedural requirements of the regulations implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.
- 3.3 If compensatory and/or remedial services are determined necessary under Action Item 3.1 above, by January 10, 2017, HISD will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

HISD understands that OCR will not close the monitoring of this Agreement until OCR determines that HISD has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, at 34 C.F.R. § 104.33, and 28 C.F.R. § 35.130, respectively, which were at issue in this case. HISD 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, HISD understands that during the monitoring of this Agreement, if necessary, OCR may visit HISD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether HISD

has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, at 34 C.F.R. § 104.33, and 28 C.F.R. § 35.130, respectively, which were at issue in this case. HISD 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 HISD written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Dr. Guy Sconzo, Superintendent
Humble Independent School District

Date

Printed Name and Title