

Voluntary Resolution Agreement Clint Independent School District OCR Complaint #06-15-1635

The Clint Independent School District (CISD) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the CISD commits to the following actions to ensure that it is in compliance with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 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, and its implementing regulation at 28 C.F.R. Part 35, with regard to the above-referenced complaint.

The CISD understands that OCR will not close the monitoring of this Agreement until such time that OCR determines that the district has fulfilled the terms of this Agreement and is in compliance with Section 504 and Title II.

The CISD understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the CISD understands that during the monitoring of this Agreement, 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 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 regulation at 28 C.F.R. Part 35.

The CISD has agreed to the terms of this Agreement as set forth below. The CISD 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 CISD written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Remedial Action Required

Action Item 1:

Section 504 and Title II Training

The CISD will provide training to all Horizon high school staff regarding its obligations pursuant to Section 504 and Title II, to provide a free and appropriate public education to all qualified students with disabilities residing within its jurisdiction. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to disability discrimination, as well as the evaluation and reevaluation of students who are or are believed to be disabled.

Reporting Requirement for Action Item 1

By **February 5, 2016**, the CISD will submit to OCR for review and approval, its proposal for complying with Action Item 1, above. Specifically, the CISD will provide to OCR the name(s) and credentials of the individual(s) who it proposes to conduct the training session(s), and copies of the proposed materials the CISD intends to use at the training session(s).

Within **60 days** of OCR' s approval of the individual(s) and materials referenced in Reporting Requirement 1(A), the CISD will provide the training listed in Action Item 1: Section 504 and Title II Training.

Within **30 days** of the completion of the training referenced in Reporting Requirement 1(B), the CISD will provide OCR with documentation demonstrating that it has timely completed Action Item 1 above. Specifically, the CISD will provide to OCR the names of all individuals who attended the training session(s) provided pursuant to Action Item 1, 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:

Re-evaluation of Student

The CISD agrees to convene a meeting of a group of knowledgeable persons, as defined by Section 504. The group will review information from a variety of sources (which will be documented and carefully considered) and determine an appropriate placement and related aids and services to be provided in conformity with Section 504, for the student who is the subject of this case. The group will also consider whether the student needs compensatory and/or remedial services as a result of any failure on the part of the CISD to provide appropriate regular and/or special education or related services to the student during the Spring 2015 semester. If the group determines that the student needs compensatory and/or remedial services, within 1 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 four months from the date of the meeting of the group of knowledgeable persons. The CISD will provide the student' s parent/guardian notice of the procedural safeguards including the right to challenge the group' s determination through an impartial due process hearing.

Reporting Requirements for Action Item 2

By **March 4, 2016**, the CISD will submit to OCR a report documenting when a group of knowledgeable people was convened to consider the student' s placement, related aids and services and the possible need for compensatory services, in accordance with Section 504. Within 2 weeks of the decision as to whether compensatory and/or remedial services are needed, the CISD will submit to OCR documents supporting the group' s decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation of the decision 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

the CISD' s decision and plan for the proposed services, review the documentation to ensure that the CISD met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

After reviewing the proposed services, OCR may question whether the CISD' s determination regarding the provision or compensatory services adequately addresses any prior failure to provide appropriate services under the student' s prior plan. If so, OCR will, prior to approving the CISD' s decision and proposed services, raise its concerns with the CISD and request additional documentation to support that group' s educational determination regarding the sufficiency of the prescribed compensatory and/or remedial services.

Within two weeks from the time in which the CISD completed any compensatory and/or remedial services, the CISD will provide documentation to OCR of the dates, times and locations that the compensatory and/or remedial services were provided, a description of what was provided, and the names of the service provider(s).

Superintendent

Date