

RESOLUTION AGREEMENT
South San Antonio Independent School District
OCR Case Number: 06161054

The South San Antonio Independent School District (SSAISD or the District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office, to resolve the concerns identified by OCR in its investigation of the above-referenced complaint. The SSAISD is committed to fulfilling its obligations pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at, 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 regulation at 28 C.F.R. Part 37, to timely evaluate students who, because of disability, may need regular or special education or related aids and services. By submitting this Agreement, the SSAISD agrees to take the following corrective actions:

A. INDIVIDUAL STUDENT REMEDIES

Action Item:

1. By **April 1, 2016**, the SSAISD will ensure that a committee of individuals knowledgeable of the Student identified in the above-referenced complaint¹, the Student's evaluation data, and placement options has been convened. Pursuant to the procedural requirements of Section 504, the committee will have considered the Student's disability status and made a determination regarding whether the Student is, because of disability, in need of regular or special education or related aids and services. If determined appropriate, the committee will have also made a determination of the related aids and services necessary to meet the individualized educational needs of the Student as adequately as the needs of nondisabled students at Price Elementary School are met and documented the agreed-upon services. The Section 504² committee will have also considered whether the Student is in need of compensatory related aids and services as a result of the SSAISD's failure to previously evaluate the Student during the 2013-14 and 2014-15 school years to determine whether, because of disability, the Student was in need of regular or special education or related aids and services. If appropriate, the Section 504 committee will have developed a plan for the provision of compensatory services to the Student, including timeframes for the provision of compensatory services.

Reporting Requirements:

- By **May 6, 2016**, the SSAISD shall provide documentation to OCR evidencing that the evaluation required pursuant to Action Item A1 has been conducted. The documentation provided to OCR shall include documentation of the appropriate

¹ The Student was previously identified to the SSAISD in OCR's request for information from the District dated December 1, 2015.

² If convened pursuant to the Individuals with Disabilities Education Act (IDEA), the committee may be referred to as an Admission, Review, and Dismissal (ARD) committee. An evaluation of a student to determine eligibility for services under IDEA is one means of meeting the procedural requirements of Section 504. Therefore, in this Agreement, a "Section 504 committee" could also be an ARD committee.

related aids and services, including compensatory educational services, that the SSAISD has determined are necessary to meet the Student's individual educational needs. If the SSAISD determines that the Student is not in need of any regular or special education or related aids and services, including compensatory educational services, then the SSAISD shall provide documentation to OCR evidencing its determination, including the documentation relied upon by the SSAISD in reaching this determination. OCR will review the documentation submitted to ensure that the SSAISD has, in reaching its determination, met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36.

- If the SSAISD has determined that related aids and services, including compensatory educational services, are required for the Student, then by **June 10, 2016** and **December 16, 2016**, the SSAISD shall provide documentation to OCR evidencing that the agreed-upon services have been provided for the Student during the relevant school year.

B. STAFF TRAINING

Action Items:

1. By **May 27, 2016**, the SSAISD shall ensure that all Price Elementary School staff receives training regarding their obligations pursuant to Section 504 and Title II. The training will be provided to all relevant personnel, be conducted by a person knowledgeable about the laws and issues pertaining to disability discrimination, and will address, at a minimum:
 - a. The SSAISD's obligations to identify and evaluate all students within its jurisdiction who, because of disability, need or are believed to need regular or special education or related aids and services;
 - b. The SSAISD's policies and procedures for carrying out its responsibilities to evaluate or re-evaluate a student pursuant to Section 504, at 34 C.F.R. § 104.35; and
 - c. The SSAISD's policies and procedures for carrying out its obligations to provide FAPE pursuant to Section 504, at 34 C.F.R. § 104.33.

Reporting Requirements:

- At least **30 calendar days** prior to the provision of the training described in Action Item B1, above, the SSAISD shall submit to OCR, for review and approval, the identity and qualifications of the individual contracted by the SSAISD to provide the training. The SSAISD shall also provide to OCR a copy of the proposed training or detailed summary of the content proposed to be covered. If OCR has

any objections to the content of the training, OCR will promptly notify the SSAID, no later than 10 calendar days prior to the date of the scheduled training.

- By **June 10, 2016** the SSAISD shall submit to OCR documentation evidencing that the training required by Action Items B1, above, has been conducted. The SSAISD shall also submit to OCR documentation evidencing the name and title of individuals attending the training and the date(s) the training was conducted.

C. GENERAL PROVISIONS

The SSAISD understands that by signing the Agreement, it agrees to provide data and other information in a timely manner. Further, the SSAISD understands that, during the monitoring of the Agreement, OCR may visit the SSAISD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the SSAISD has fulfilled the terms of the Agreement and is in compliance with Section 504 and Title II, which were at issue in this case.

The SSAISD understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the SSAISD has fulfilled the terms of the Agreement and is in compliance with Section 504 and Title II, which were at issue in this case.

The SSAISD understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the SSAISD written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

SSAISD Superintendent or Designee

Date