

RESOLUTION AGREEMENT

Dilley Independent School District
OCR Docket Numbers: 06151746 and 06161154

The Dilley Independent School District (DISD or District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the DISD 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 (amended 1992), and its implementing regulation at 34 C.F.R. Part 104, as well as Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, with regard to the above-referenced complaints. By entering into this Agreement, the District makes no admission of any violations of Section 504 or Title II.

Action Items #1, #2, and #3: Staff Training

1. By **April 1, 2016**, the District 504 compliance coordinator will meet with all of the individuals responsible for implementing the Students' Section 504 plans and emphasize the importance of implementation of all provisions contained in the Students' Section 504 plans.
2. By **September 1, 2016**, the District will provide training on the subject of Section 504 and Title II compliance and the anti-discrimination and anti-retaliation requirements of those laws, to District staff, including, but not limited to, administrators, school nurses, teachers, aides/paraprofessionals, counselors, and Section 504 compliance coordinators. The training will cover proper procedures for identification, evaluation, placement, and emphasize the importance of implementation of all provisions contained in any Section 504 plans/Individualized Education Programs (IEPs).
3. By **September 1, 2016**, the District will ensure that appropriate training regarding xxxxxx xxxxxxxx xxxxxxxxxxxx and the importance of xxxxxxxx xxxx xxxxxxxxxxxxxxxx and xxxxxx xxxxxxxxxxxx xxxxxx xx xxxxxxxx by a qualified independent contractor to District staff who educate, serve, or supervise students with xxxxxx xxxxxxxx, including, but not limited to, administrators, school nurses, teachers, substitute teachers, aides/paraprofessionals, xxxxxxxxxxxx staff, and xxxxxxxx and xxxx xxxxxxxx staff.

Reporting Requirement:

- a) By **April 8, 2016**, the District will provide OCR confirmation that Action Item #1 is completed and will identify the Section 504 compliance coordinator, including contact information, the names and titles of the individuals the coordinator met with, and the dates of the meetings.

- b) By **September 8, 2016**, the District will provide OCR with an agenda of the training provided to staff consistent with the action items listed above, including, but not limited to: a copy of any handouts, including PowerPoint presentations or similar materials used during the training; the name, title, and qualifications of the person(s) conducting the training(s); and a sign-in sheet for those attending the training, including their name, title, and assigned school (if applicable) of each attendee; and the date of the training session(s).

Action Item #4: Point of Contact

- c) By **April 1, 2016**, the District will identify a staff member who will act as a communication liaison between the District and the parents/Students to address concerns related to the Students' xxxxxx xxxxxxxx. The identified point of contact shall implement a system for tracking and reporting to the parents xxx xxxxx provided to the Students by the District. The identified point of contact shall be responsible for informing the parents on the same day of any incidents in which any of the Students are xxxxxxxx xx xxxxxx.

Reporting Requirement: By **April 1, 2016**, the District will provide OCR with the name, title, and contact information for the identified point of contact and a description and supporting documentation of the system for tracking and reporting xxx xxxxx xxxxxxxx to the Students.

Action Item #5: Section 504 Meetings

- d) By **May 2, 2016**, the District will convene Section 504 meetings for Students x and x, to be attended by the parents and individuals knowledgeable about the Students, to determine whether the Students need compensatory educational and/or remedial school services as a result of missed instructional time related to their xxxxx xxxxxx in Fall 2015 (Student x) and April –May 2015 (Student x). If so, within 1 week of its determination, the group will develop a plan for providing timely compensatory educational and/or remedial school services with a completion date not to extend beyond **December 31, 2016**. The District will provide the parents notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing. Within two weeks of Student x's enrollment in the District, the District will convene a Section 504 meeting consistent with this paragraph to consider and determine whether Student x needs compensatory educational and/or remedial school services. Regardless of the time of Student x's enrollment, it is expressly understood in this agreement that the District's obligation to complete compensatory education and/or remedial services to any of the Students pursuant to this complaint does not extend beyond December 31, 2016.

Reporting Requirement:

- a) **Within 2 weeks** of the decision as to whether compensatory and/or remedial services are needed, the District 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 Students. OCR will, prior to approving the District's decision and plan for providing the proposed services, review the documentation to ensure that the District 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.

- b) If the Section 504 Committees for the students determined compensatory and/or remedial services are needed, then by **January 16, 2017**, the District 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).

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. Part 104 and Title II at 28 C.F.R. Part 35. The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this agreement, OCR may, upon written notice in advance to the District Superintendent, 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 complied with the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 104.33 and 104.61, and Title II, at 28 C.F.R. §§ 35.130 and 35.134. The District 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 District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Signed:

DISD Superintendent

Date