

VOLUNTARY RESOLUTION AGREEMENT

Denton Independent School District Compliance Review No. 06-19-5002

The Denton Independent School District (District or recipient) submits this Voluntary Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR) to address the concerns identified in the accompanying letter of resolution and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12101 et seq., and its implementing regulation, 28 C.F.R. Part 35.

SECTION A. DEVELOPMENT OF INDIVIDUAL STUDENT REMEDIES

Action Item A1 (Team Meetings and Compensatory Services)

1. By **November 15, 2024**, the District will convene an Admission, Review, and Dismissal (ARD) team or Section 504 team for each student identified in the Confidential Appendix to this resolution agreement. The team for each student will have before it a record of all restraints the student was subjected to from August 15, 2017, through the date this resolution agreement is signed and will determine (a) if the student's current interventions and supports are sufficient or whether any changes are needed, and (b) whether the student requires any compensatory services because the team determined that the student had been denied a free appropriate public education (FAPE) and other instructional services because of the restraint.

In making these determinations, the team will apply appropriate criteria, for example, the following:

- a. The number of restraints the student was subjected to within a month;
- b. The number of restraints that took place in a school year and the timeframe within which they occurred;
- c. The nature and length of each restraint;
- d. The changes in the student's behavior(s) that resulted in the use or increased use of restraint;
- e. If applicable, the nature of the student's disability (or whether the student's conduct and totality of information suggest that the student should be identified as a student with a disability, if the student is not already identified);
- f. Whether alternatives to restraint could have de-escalated the student's behaviors;
- g. Whether the student was restrained by a School Resource Officer (SRO)¹, including the extent to which the student may have been impacted by an SRO's misuse of restraint on the student; and
- h. Any other factor that is relevant to the team's determination(s).

¹ For purposes of this Agreement, "SRO" refers to any individual police officer serving at a District campus, including officers directly employed by the District or officers who provide services at District campuses pursuant to memoranda of understanding between local municipal police departments and the District.

For **each student**,

- The District will ensure that the team convened is a group of persons knowledgeable about the student, the evaluation data, and the placement options, to include the student's parent and/or guardian.
- The District will ensure that the team makes an individual assessment of the amount of compensatory services appropriate for the student. If appropriate, the team will revise the student's Individualized Education Program (IEP) or Section 504 plan and will develop a written plan for providing the student with the compensatory education or other remedial services deemed necessary. The plan will be included with the student's Section 504 plan or IEP and will identify the nature, amount, and provider of the services to be delivered at no cost to the student's parent. The District will promptly provide the services at no cost to the student's parent in the 2024-2025 school year, unless the team determines that additional services beyond the 2024-2025 school year are appropriate for the student's individual needs.
- The District will provide the Student's parents with a meaningful opportunity to provide input into these determinations, written notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree with the District's determinations.

Reporting Requirements:

- By **June 6, 2025**, the District will submit documentation to OCR evidencing its implementation of Action Item A1, including, for each student: a copy of any meeting minutes, a copy of any revised IEPs and/or Section 504 plans developed for the students, any compensatory educational services plans, documentation of any input provided by the student's parent and/or guardian(s) and showing that written notice of the determinations and procedural safeguards were provided to the parent/guardian, and any other documentation relevant to the determinations reached. OCR will review the documentation submitted to ensure that the District met the procedural requirements set forth in the regulation implementing Section 504, at 34 C.F.R. §§ 104.33-104.26, in making these determinations.
- By **December 5, 2025**, and **June 5, 2026**, the District will submit documentation to OCR verifying that any compensatory educational services agreed to be provided pursuant to plans developed under Action Item A1 have been provided to students.

SECTION B. POLICIES AND PROCEDURES

Action Item B1 (Publication of Section 504/Title II Coordinator)

1. By **November 15, 2024**, the District will publish written notice of the individual(s) designated by the District to coordinate its efforts to comply with Section 504 and Title II (Section 504/Title II Coordinator(s)). The notice will include identification of the District-wide Section 504/Title II Coordinator as well as any Section 504/Title II Coordinators designated for individual campuses. Notice of the District-wide Section 504/Title II Coordinator will be published on the District website and within the District Handbook and notice of individual campus Section 504/Title II Coordinators will be published on individual campus websites and campus-specific handbooks. The notice(s) will identify the Section 504/Title II Coordinator(s) by name, title, mailing address, email address, and telephone number.

Reporting Requirement:

- By **February 7, 2025**, the District will submit evidence to OCR that Action Item B1 has been completed, including links to campus websites and copies of the relevant pages from the District and individual campus handbooks.

Action Item B2 (Review of Policies and Procedures)

2. By **November 15, 2024**, the District will review and, if determined necessary, revise all policies and procedures governing the restraint of District students, including those contained within school board policies, on the District website, within District and campus-specific student handbooks, and any other relevant policy and procedure documents (including those specific to individual campuses). The District will ensure that all policies and procedures governing the restraint of students within the District do not result in discrimination against students with disabilities and are in compliance with Section 504 and Title II.

The District will ensure that its review includes, but is not limited to, consideration of the following factors:

- a. Regarding restraints by SROs:
 - i. An evaluation of whether SROs have been properly trained in the District's restraint and seclusion policies and procedures and are therefore appropriate personnel to implement restraint of students, including students with disabilities;
 - ii. Recognition that only under certain circumstances where restraint cannot be safely and appropriately implemented by school staff, such as where necessary to address an immediate threat to the safety of students, staff, or others, it may be appropriate for SROs to use physical restraints, such as use of handcuffs;

- b. Ensuring a sufficient number of staff at each District campus has been trained on the use of restraint on students;
- c. Procedures for the evaluation of students involved in restraint incidents, including when to re-evaluate students already identified as eligible to receive Section 504 or special education services, and when to consider initial evaluations of students with frequent restraints, several restraints, and/or lengthy restraints;
- d. Developing criteria to guide decisions about when, considering instances of restraint, the District may need to assess a student’s current interventions and supports and whether any changes are needed;
- e. Ensuring staff involved in restraints are included in Section 504 and ARD committee meetings, and/or information from all staff involved in restraints is adequately reviewed by the committees; and
- f. Identification of staff involved in entering data, staff members responsible for communicating restraints to parents/guardians, and staff members responsible for maintaining data for review by Section 504 and ARD committees.

Reporting Requirements:

- By **February 7, 2025**, the District will submit to OCR copies of **all** policies and procedures governing the restraint of students within the District, including any supplemental policies or guidance applicable only to specific campuses. The District will also provide OCR with a narrative description of any changes the District has made to its policies and general practices with respect to student restraints since the 2017-18 school year (the first year for which OCR reviewed restraint data for this proactive compliance review). OCR will review and provide feedback to the District within **60 calendar days** of receipt of the District’s revised policies and procedures.
- Within **30 calendar days** of receipt of OCR’s final approval of the District’s current restraint policies and procedures, the District will provide appropriate documentation to OCR confirming that the policies and procedures have been published and disseminated to relevant District staff.

Action Item B3 (Recordkeeping and Review of Data)

3. By **December 5, 2024**, the District will develop a process for the creation, maintenance, and review of records documenting each incident of restraint of a student, regardless of whether the student has been identified as a student with a disability who is eligible for Section 504 or special education services. The District will ensure that its process includes the following:
 - a. The District will record as a “restraint” all such interventions that fall within the definitions of the terms “physical restraint” or “mechanical restraint” as these terms are defined for the purposes of completing OCR’s Civil Rights Data Collection (CRDC), regardless of the duration of those interventions or how those terms are defined in District materials or through District practices. The District

will ensure that its records concerning restraint are revised as necessary to accurately capture all data that is required to be submitted by the District when completing the CRDC. This will include developing a plan to ensure accurate capturing and reporting of data to be submitted to the CRDC in the future.

- b. The District’s forms for recording incidents of restraint will capture the following data: student behaviors prior to a restraint; behavioral interventions used by staff; accurate data reflecting the type of restraint used, the length of the restraint, the location of the restraint, and each staff member involved or witness to the restraint; and the amount of time the restrained student was outside of the learning environment, including “cool down” time.
- c. The District will ensure that restraints performed by SROs are recorded and reviewed in the same manner as restraints by District staff are reviewed and recorded;
- d. The District will develop a process to ensure that notices of restraints are provided to parents/guardians.
- e. The District will develop a process to ensure that each incident of restraint is reviewed by ARD and Section 504 committees when assessing the appropriateness of students’ current placement and services.

Reporting Requirements:

- By **February 7, 2025**, the District will submit to OCR copies of **all** forms, policies, and procedures governing the recording and review of student restraints. The District will include a narrative description of the District’s process for recording restraints, providing notice of restraints to parents/guardians, and review of student restraints by ARD and Section 504 committees. OCR will review and provide feedback to the District within **60 calendar days** of receipt of the District’s forms, policies, and procedures.
- Within **30 calendar days** of receipt of OCR’s final approval of the District’s recordkeeping policies and procedures, the District will provide appropriate documentation to OCR confirming that the forms and procedures are being implemented at all District campuses.
- By **June 6, 2025**, the District will submit to OCR documentation evidencing the steps taken to ensure the accuracy of its CRDC data. The District will also provide documentation evidencing communication to all employees responsible for completing CRDC reports for the District have been advised of the District’s policies and procedures for ensuring full and complete reporting of restraint incidents.

Action Items B4, B5, and B6 (SRO Program Review, Ongoing Data Collection, and Assessment)

4. By **November 15, 2024**, the District will review all incidents of restraint in which an SRO was involved during the 2022-23 and 2023-24 school years. The District’s review will consider the following:

- a. How often SROs were involved in student restraints;
 - b. The manner of restraints used by SROs (including handcuffing of students);
 - c. Student behavior prompting the restraint (including assessment of whether the conduct was considered criminal or noncriminal in nature);
 - d. The location where the SRO used restraint with a student;
 - e. Whether the use of restraint reflected an individualized determination by District staff based on the student’s need and was consistent with District policies, written guidance, and related training(s); and
 - f. Information gathered from a range of stakeholders, including students, parents/guardians, community members, teachers, administrators, and SROs regarding SROs use of restraint with students.
5. After completion of the above review, and by **February 7, 2025**, the District will review and, if determined appropriate, revise any policies and procedures regarding the involvement of SROs in student restraints in the District in conjunction with its review of policies and procedures under Action Item B2 above. The District’s review should include review of all Memoranda of Understanding (MOUs) between the District and area police departments to ensure the MOUs include clearly defined roles and areas of responsibility for SROs, including addressing student conduct that cannot be safely and appropriately handled by the District’s disciplinary and/or restraint procedures. The policies and procedures, including MOUs where appropriate, should include guidance that restraints involving SROs should be recorded (including identification of staff responsible for completing restraint paperwork for those restraints involving SROs), and how restraints involving SROs should be reviewed and assessed by ARD and Section 504 committees. The District’s procedures should also describe whether and how often SROs should receive training to ensure their awareness of the District’s obligations under Section 504 and Title II, as well as District-specific policies and procedures governing student restraints.

Reporting Requirements:

- By **June 6, 2025**, the District will submit documentation to OCR evidencing the completion of Action Items B4 and B5. OCR will review and provide feedback to the District within **60 calendar days** of receipt of the District’s proposed policies and procedures governing SRO involvement in student restraints.
- Within **30 calendar days** of receipt of OCR’s final approval of the District’s policies and procedures governing SRO involvement in student restraints, the District will provide appropriate documentation to OCR confirming that the policies and procedures have been implemented.

Action Item B7: Restraint Monitoring Program

6. By **November 15, 2024**, the District’s Executive Director of Special Education, or a qualified designee, will implement a monitoring program to assess the District’s use of

restraint monthly. Each month, the District’s Executive Director of Special Education or qualified designee will, at a minimum:

- a. Analyze whether the behavior(s) that led to the restraint of a student were part of a pattern of behavior(s) that should have led District staff to evaluate or re-evaluate the student’s individual educational needs;
- b. Determine if District staff considered the impact of the restraint on the student, and if this impact necessitated a need to evaluate or re-evaluate the student’s individual educational needs;
- c. If applicable, assess if the student’s 504 or ARD committee considered whether the student’s current regular or special education and disability-related aids and services provided the student with a FAPE, and whether the restraint caused missed instruction and/or disability-related services resulting in the denial of a FAPE, and, if so, whether compensatory education and/or remedial services are necessary to address the denial of a FAPE;
- d. Ensure students without identified disabilities subjected to multiple and/or prolonged restraints are evaluated to determine whether the student has a disability, if appropriate;
- e. Review all restraint documentation forms and debriefing forms to ensure that District staff have properly completed all required forms;
- f. Compile, evaluate, and analyze data collected (i.e., restraint incidents broken down by campus, staff, grade level, educational program, etc.), to assess whether incidents of restraint have increased or decreased in number or duration and whether there are any particular location(s) or program(s) in the District where numerous incidents of restraint occurred;
- g. Identify concerns related to the District’s use of restraint, propose recommendations to address any concerns, and develop timelines for implementation of the recommendations; and
- h. Regarding restraints in which SROs are involved, consider whether the SROs’ interactions with students are consistent with the provisions of a given student’s Section 504 plan and any behavior support or intervention plan, if applicable, and do not impede the District’s fulfillment of its obligations under Section 504 and Title II.

Reporting Requirements:

- By **February 7, 2025**, the District will provide documentation to OCR evidencing the monitoring program developed by Action Item B7.
- By **June 6, 2025**, the District will provide documentation to OCR demonstrating that the District’s Executive Director of Special Education or qualified designee has completed the monthly reviews to date referenced in Action Item B7. The District’s report will identify all students who were subjected to restraint during the time period reviewed, and for each such student specify: (a) the student’s school, (b) whether the student is identified as having a disability; (c) the number of instances of restraint; (d) whether any of those instances of restraint resulted in physical injury to the student; (e) the total

number of minutes that each student spent restrained during the 2022-23 school year; (f) whether the student was evaluated or re-evaluated as a result of the use of restraint; and (g) if applicable, the date of the student's evaluation or re-evaluation. If OCR requests any student records for students on the list, the District will provide such records within 30 calendar days of such request (e.g., documentation forms; debriefing forms; IEPs; Section 504 plans; BIPs; records of whether the incident(s) of restraint of a student without an identified disability resulted in an evaluation to determine if the student qualified as individual with a disability; and records of whether the incident(s) of restraint of students with disabilities caused the students' ARD committees or Section 504 teams to reconvene and re-evaluate the students to determine whether the students required compensatory education and/or remedial services to address the denial of a FAPE).

SECTION C. TRAINING AND PROFESSIONAL DEVELOPMENT

Action Item C1 (Staff Restraint Training)

1. By **December 13, 2024**, the District will provide training regarding the use of restraint to all campus administrators, teachers, paraprofessionals, counselors, and Section 504/Title II Coordinators. The training will be provided by an individual who is qualified to provide training utilized by the District with respect to student restraints and who is also knowledgeable about the District's obligations pursuant to Section 504 and Title II. The training will include, but not be limited to, the District's policies and procedures governing student restraints, recordkeeping and review of student restraints, and notice of Section 504/Title II Coordinators. The training will also cover the District's policies prohibiting the use of seclusion of students.

Reporting Requirement:

- By **February 7, 2025**, the District will provide OCR with documentation evidencing that the training required pursuant to Action Item C1 has been conducted. The documentation will include the identity and qualification of the individual conducting the training, the date(s) of the training, a copy of presentation materials, and a sign-in sheet identifying attendees by name and title.

Action Item C2 (Staff Section 504/Title II Training)

2. By **December 13, 2024**, the District will provide training regarding its obligations under Section 504 and Title II to provide a FAPE to all qualified students with disabilities residing within the District's jurisdiction. The training will be conducted by an individual who is knowledgeable about the District's obligation to provide a FAPE to students with disabilities pursuant to Section 504 and Title II, including detailed knowledge of the District's policies and procedures with respect to the evaluation and educational placement of students with disabilities within the District. The training will be provided to campus administrators, teachers, paraprofessionals, counselors, and Section 504/Title II Coordinators. The training will address, at a minimum, the following:

- a. Identification and evaluation of students who, because of disability, need or are believed to need regular or special education and related aids and services;
- b. The possibility that students who have been restrained frequently and/or for lengthy amounts of time could need an evaluation to determine whether, because of disability, the restrained student needs regular or special education and related aids and services;
- c. The District's policies and procedures for ensuring that the District provides a FAPE to each qualified student with a disability within its jurisdiction, regardless of the nature or severity of the individual's disability;
- d. The District's policies and procedures governing the initial evaluation and periodic re-evaluation of students with disabilities pursuant to Section 504, at 34 C.F.R. § 104.35;
- e. The District's policies for ensuring that IEPs and or Section 504 plans created for students with disabilities are fully implemented by District staff;
- f. The potential effect of restraint(s) on students with disabilities receiving Section 504 or special education services, including a discussion that restraints could result in a denial of FAPE that must be remedied under Section 504;
- g. A discussion of when student restraints may prompt a need by the District to re-evaluate a student receiving special education or 504 services to determine whether the student's individual educational needs have changed;
- h. The District's system of procedural safeguards, as required by Section 504, at 34 C.F.R. § 104.36; and
- i. Issues related to SROs and restraint, including, but not limited to:
 - i. The District's policies and procedures regarding when it may be appropriate to involve SROs in student interactions which may result in a restraint, i.e., where restraint of the student cannot be safely and appropriately implemented by school staff;
 - ii. The role that SROs should play on school grounds;
 - iii. How to distinguish student disciplinary infractions properly handled by educators from conduct that cannot be safely addressed by the school's discipline process (such as major threats to school safety or serious school-based criminal conduct) and therefore warrant SRO involvement;
 - iv. How to utilize other school staff, such as counselors and health professionals, to support students; and
 - v. The consequences of student contact with and involvement in the juvenile justice system.

Reporting Requirement:

- By **February 7, 2025**, the District will provide OCR with documentation evidencing that the training required pursuant to Action Item C2 has been conducted. The documentation will include the identity and qualification of the individual conducting the training, the date(s) of the training, a copy of presentation materials, and a sign-in sheet identifying attendees by name and title.

Action Items C3 and C4 (SRO Training)

3. By **December 13, 2024**, the District will offer training to all SROs assigned to serve at any District campus for the 2023-24 school year. The training will be provided by an individual who is qualified to provide the training used by the District regarding the use of restraint, and who is also knowledgeable regarding the District's obligations pursuant to Section 504 and Title II. The training will include, but not be limited to, the District's policies and procedures governing student restraints, the recording of student restraints, and notice of each campus Section 504/Title II Coordinator. The training will also address:
 - a. Disability awareness;
 - b. Effective communication with students with disabilities;
 - c. Child and adolescent development and age-appropriate responses;
 - d. De-escalation practices;
 - e. The District's policies and procedures defining and prohibiting the use of seclusion for students;
 - f. The District's policies and procedures for ensuring that the District provides a FAPE to each qualified individual with a disability residing within the District's jurisdiction, regardless of the nature or severity of the individual's disability, as required by Section 504 and Title II;
 - g. District staff members' obligation to fully implement any IEP or Section 504 plan identifying the related aids and services determined necessary to meet an individual student with a disability's educational needs; and
 - h. The potential effect of restraint(s) on students with disabilities receiving Section 504 or special education services, including a discussion that restraints could result in a denial of FAPE that must be remedied under Section 504.

4. By **February 7, 2025**, the District will disseminate a survey to all SROs who received the training described in Action Item C3. The survey will gauge the SROs understanding of the training material, as well as the efficacy of the training the District provided. The District will provide training on the use of restraint on District students to all SROs assigned to serve at any District campus for the 2024-25 school year.

Reporting Requirements:

- By **February 7, 2025**, the District will provide OCR with documentation evidencing that the training required to be offered to contracted SROs pursuant to Action Item C3 has been conducted. The documentation will include the identity and qualification of the individual conducting the training, the date(s) of the training, a copy of presentation materials, and a sign-in sheet identifying attendees by name, title, and campus assigned.
- By **June 6, 2025**, the District will provide OCR with the results of the survey it administered to SROs as required by Action Item C4.

SECTION D. GENERAL PROVISIONS

By signing this Agreement, the recipient agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. During the monitoring of this Agreement, if necessary, OCR may visit the recipient, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms of the Agreement.

The recipient understands that OCR will not close the monitoring of the Agreement until such time as OCR determines that the recipient is in compliance with the terms of the Agreement and the statute and regulations at issue in the review.

The recipient understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms of the Agreement and the applicable statute and regulations. Before initiating such proceedings, OCR will give the recipient written notice of the alleged breach and 60 calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the District's representative below.

/s/
Dr. Jamie Wilson, Superintendent
Denton Independent School District

April 11, 2024
Date