

**RESOLUTION AGREEMENT**  
**Tatum Independent School District**  
**OCR Case Number: 06151131**

The Tatum Independent School District (TISD or the District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. The TISD commits to taking the following actions to ensure that 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. § 12132, and its implementing regulation, at 28 C.F.R. Part 35, are met with regard to the allegations presented in the above-referenced complaint.

The TISD is committed to complying fully with the requirements of Section 504 and Title II and therefore voluntarily agrees to take the steps outlined below. This TISD understands that OCR has not made an investigatory finding that the TISD violated Section 504 or Title II, and that the TISD's signing of this Agreement does not constitute an admission by the TISD that it has violated Section 504 or Title II, or has otherwise engaged in any wrongdoing. The TISD hereby commits to the following:

**A. INDIVIDUAL STUDENT REMEDIES**

**Action Items:**

1. By **May 30, 2015**, the TISD will ensure that a Section 504 committee of individuals knowledgeable of the Student identified in the above-referenced complaint, 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 Tatum High School are met and documented the agreed-upon services. The Section 504 committee will have also considered whether the Student is in need of compensatory related aids and services a result of the TISD's failure to provide related aids and services prescribed for the 2014-15 school year. 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 Requirement:**

1. By **December 16, 2015** and **June 3, 2016** the TISD shall provide documentation to OCR evidencing that the related aids and services determined necessary to meet the Student's individualized educational needs have been provided to the Student. If the TISD determines during this timeframe that the Student is not in need of regular or special education or related aids and services as a result of disability, the TISD shall provide documentation to OCR evidencing this determination, including information relied upon

by the TISD in reaching this determination. OCR will review the documentation submitted to ensure that the TISD has met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36.

2. By **December 16, 2015**, the TISD shall provide documentation to OCR evidencing that any compensatory services determined appropriate for the Student have been provided to the Student. If the TISD determines that the Student is not in need of compensatory educational services, the TISD shall provide documentation to OCR evidencing its determination, including the information relied upon by the TISD in reaching this determination. OCR will review the documentation submitted to ensure that the TISD has met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36.

## **B. PROCEDURES FOR PROVISION OF CLASSROOM ACCOMMODATIONS TO STUDENTS WITH DISABILITIES**

### **Action Item:**

1. By **May 30, 2015**, the TISD shall submit to OCR, for review and approval, any forms the TISD proposed to use to document the provision of accommodations to students with disabilities in the classroom setting at Tatum High School. The TISD shall ensure that any documentation used will not include non-exhaustive “checklists,” but will provide for flexibility in documenting the provision of accommodations suited to each student’s individualized needs. If, in the alternative, the TISD determines that no form is appropriate, the TISD shall submit to OCR, for review and approval, a written explanation of its proposed procedures to ensure that classroom accommodations as determined necessary to meet the individualized educational needs of students with disabilities are consistently provided.

### **Reporting Requirements:**

1. By **December 16, 2015**, the TISD shall provide documentation to OCR evidencing that the OCR-approved forms and/or procedures for documentation of classroom accommodations have been adopted and are being used/adhered to by Tatum High School staff.

## **C. TRAINING**

### **Action Items:**

1. By **October 16, 2015**, the TISD shall ensure that all Tatum High 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:

- The TISD’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;
  - The TISD’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
  - The TISD’s policies and procedures for carrying out its obligations to provide FAPE pursuant to Section 504, at 34 C.F.R. § 104.33.
2. By **October 16, 2015**, the TISD shall ensure that all TISD campus and District-wide testing coordinators and testing administrators receive training from an outside consultant familiar with testing requirements and policies/procedures adopted by the Texas Education Agency for statewide standardized assessments and the provision of accommodations for students with disabilities taking statewide assessments. The training should explain the guidelines for administering statewide assessments for students with disabilities, including providing examples of proper implementation of common accommodations, including, but not limited to, oral administration of tests.

**Reporting Requirements:**

1. At least **60 days** prior to the provision of the training described in Action Item C2, above, the TISD shall submit to OCR, for review and approval, the identity and qualifications of the individual contracted by the TISD to provide the training. The TISD shall also provide to OCR a copy of the proposed training or detailed summary of the content proposed to be covered.
2. By **December 16, 2015**, the TISD shall submit to OCR documentation evidencing that the trainings required by Action Items C1 and C2, above, have been conducted. The TISD shall also submit to OCR documentation evidencing the name and title of individuals attending the training and the date(s) the training was conducted.

**D. CORRECTIVE ACTION – STATEWIDE ASSESSMENTS (INCLUDING INDIVIDUAL STUDENT REMEDY)**

**Action Item:**

1. By **October 16, 2015**, the TISD will ensure that it has conducted a full investigation to determine how many students were adversely affected by Tatum High School staff’s failure to properly orally administer statewide assessments for students with disabilities during the 2013-14 and 2014-15 school years, including identifying on how many occasions the improper administration of the test(s) occurred. The TISD will also ensure

that a thorough plan has been developed which will correct any negative impact(s) the improper testing had on Tatum High School students.

**Reporting Requirement:**

1. By **December 16, 2015**, the TISD shall provide to OCR documentation evidencing the results of its internal investigation required by Action Item D1, above. The TISD shall also provide to OCR a narrative explaining the specific actions that have been taken by the TISD to address and correct the negative impact the TISD's improper test administration had on Tatum High School students.

**E. GENERAL PROVISIONS**

The TISD understands that by signing the Agreement, it agrees to provide data and other information in a timely manner. Further, the TISD understands that, during the monitoring of the Agreement, OCR may visit the TISD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the TISD 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 TISD understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the TISD 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 TISD 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 TISD written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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**TISD Superintendent or Designee**

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**Date**