

Resolution Agreement
Bluff Dale Independent School District
OCR Complaint No. 06-15-1337

The U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office and the Bluff Dale Independent School District (District) enter into this Resolution Agreement (Agreement) to resolve the allegation in the above-referenced complaint. This Agreement does not constitute an admission of liability, noncompliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients for Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the District agrees to take the following actions:

ACTION ITEM I: Individual Student Remedy

- A. The District shall offer to convene a Section 504 Committee meeting comprised of a group of knowledgeable persons, including the Complainant, in order to re-evaluate the Student's individual educational needs for the 2017-2018 school year.
- B. If the Section 504 Committee meeting results in a determination that regular or special education aids, services, and/or behavioral interventions are needed by the Student for the 2017-2018 school year, the Section 504 Committee will develop a plan for providing such aids, services, and/or behavioral interventions. The District shall provide the Complainant with notice of all applicable procedural safeguards, including the right to challenge the 504 Committee's determination through a due process hearing.

ACTION ITEM I: Reporting Requirements

- 1. Within fourteen (14) calendar days of the execution of this Agreement, the District shall provide OCR with documentation that it issued a written offer to the Complainant to convene a 504 Committee meeting as delineated by Action Item I.
- 2. Within thirty (30) calendar days of the execution of this Agreement, the District shall provide OCR with confirmation that its offer was accepted or not accepted by the Complainant, either verbally or in writing.
- 3. Within thirty (30) calendar days of a verbal or written acceptance of the District's offer by the Complainant, the District shall provide OCR with documentation that it has convened the Section 504 Committee meeting delineated by Action Item I. This documentation shall include a list of 504 Committee members, an explanation of decisions made, information considered, and a description of and schedule for providing any regular or special education aids, services, and/or behavioral interventions to the Student during the 2017-2018 school year.

ACTION ITEM II: Personnel Training

- A. The District shall provide training to its personnel at Bluff Dale School regarding its obligations to provide a free appropriate public education to all eligible students under Section 504 and implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131, *et seq.* (Title II) and implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities.
- B. The training shall be attended by all personnel at Bluff Dale School who work directly with students during the 2017-2018 school year, including, but not limited to, school administrators, teachers, counselors, and other responsible employees.
- C. The training shall be conducted by individual trainer(s) knowledgeable of federal, state, and local laws relating to disability discrimination.

ACTION ITEM II: Reporting Requirements

1. Within thirty (30) calendar days of the execution of this Agreement, the District shall provide OCR with the name, title, and qualifications of the individual(s) whom the District proposes to conduct training as delineated by Action Item II. In the event that the District's proposal of trainer(s) is not approved by OCR, OCR shall notify the District and allow it five (5) additional calendar days to provide the name, title, and qualifications of alternate individual(s) proposed to conduct said training.
2. Within thirty (30) calendar days of the execution of this Agreement, the District shall submit a copy of its proposed training materials for OCR review and approval. In the event that the District's training materials are not approved by OCR, OCR shall notify the District and allow it five (5) additional calendar days to revise and resubmit proposed training materials.
3. Within ten (10) calendar days of OCR's written approval of the District's proposed training materials, the District shall submit documentation that it has scheduled its training session(s) to be attended by all personnel delineated by Action Item II. Although the District shall have discretion in scheduling said training to accommodate attendees' availability, all training shall be completed no later than forty-five (45) calendar days from the date the District receives OCR's written approval of its training materials.
4. Within ten (10) calendar days of conducting training as delineated by Action Item II, the District shall submit a report to OCR that specifies the date, time, and location of each training session, a summary of topics and questions that were addressed, attendee sign-in sheet(s), and confirmation of the identity of the individual trainer(s) who conducted the training session(s).

The District understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are required 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. Upon completion of the obligations under this Agreement, OCR shall close and dismiss the case.

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.

This Agreement will become effective immediately upon the signature of the District representative named below.

Superintendent Signature

Date

Superintendent Name (Printed)