

**VOLUNTARY RESOLUTION AGREEMENT**  
**Bastrop Independent School District**  
**OCR Case Number: 06171362**

The Bastrop Independent School District (BISD or the District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. The BISD 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 BISD 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 BISD understands that OCR has not made an investigatory finding that the BISD violated Section 504 or Title II, and that the BISD's signing of this Agreement does not constitute an admission by the BISD that it has violated Section 504 or Title II, or has otherwise engaged in any wrongdoing. The BISD hereby commits to the following:

**A. INDIVIDUAL STUDENT REMEDIES**

**Action Item:**

1. By **April 21, 2017**, the BISD 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. The Section 504 committee will consider whether the Student is in need of any compensatory related aids and services as a result of the BISD's failure to arrange for and provide oral administration of exams taken by the Student during the 2016-17 school year. If appropriate, the Section 504 committee will also develop a plan for the provision of compensatory services to the Student, including timeframes for the provision of compensatory services.

**Reporting Requirements:**

- By **May 5, 2017**, the BISD shall provide documentation to OCR evidencing that a Section 504 committee meeting has been convened pursuant to Action Item A1. The documentation shall include the BISD's determination regarding whether the Student requires compensatory services, including information relied upon by the BISD in reaching its determination. If applicable, the documentation shall also include the BISD's plan, including timeframes, for the provision of compensatory services to the Student. OCR will review the documentation submitted to ensure that the BISD has met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36.
- If the BISD determines that the Student requires compensatory services, then by **June 2, 2017**, and, if necessary, **December 15, 2017**, the BISD shall provide documentation to

OCR evidencing that any compensatory services determined appropriate for the Student have been provided to the Student.

## **B. ACTION PLAN FOR PROVISION OF ORAL ADMINISTRATION OF EXAMS**

### **Action Item:**

1. By **April 21, 2017**, the BISD shall submit to OCR, for review and approval, a written action plan for ensuring that consistent provision of oral administration of exams is provided to all students at XXXX XXXX XXXX for whom oral administration of exams is determined a necessary related aid and service as a result of the students' disability. OCR will respond to the BISD within **30 calendar days**. Upon receipt of OCR's approval, the BISD will implement the OCR-approved plan.

### **Reporting Requirements:**

- Within **15 calendar days** of receiving OCR's approval, the BISD will provide documentation to OCR evidencing that its action plan for ensuring that oral administration of exams is provided to appropriate students at XXXX XXXX XXXX has been implemented.
- By **December 15, 2017**, the BISD will provide documentation to OCR evidencing its implementation of the action plan required pursuant to Action Item B1 during the fall 2017 semester. The documentation will include evidence that exams were orally administered to each XXXX XXXX XXXX student for whom oral administration of exams has been determined a necessary related aid and service as a result of the student's disability.

## **C. STAFF TRAINING**

### **Action Item:**

1. By **August 25, 2017**, the BISD shall ensure that all XXXX XXXX XXXX staff receives training regarding the action plan for the oral administration of exams developed in accordance with Section B of this Agreement.

### **Reporting Requirement:**

1. By **December 15, 2017**, the BISD shall submit to OCR documentation evidencing that the training required by Action Item C1 has been conducted. The BISD shall also submit to OCR documentation showing the name and title of all individuals attending the training, and the date(s) the training was conducted.

**D. GENERAL PROVISIONS**

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

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**BISD Superintendent or Designee**

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**Date**