



RESOLUTION AGREEMENT
Bonham Independent School District
OCR Case Number: 06171422

A. GENERAL TERMS & PRINCIPLES:

The U. S. Department of Education, Office for Civil Rights (OCR) and the Bonham Independent School District (Bonham ISD, District, or Recipient) enter into this agreement to resolve the allegation in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the Recipient. The Recipient 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), 29 U.S.C. §794 (amended 1992), and its implementing regulation at 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability; 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, which prohibits certain public entities from discriminating on the basis of disability.

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

B. ACTION ITEMS & REPORTING REQUIREMENTS:

INDIVIDUAL REMEDY

Action Item 1:

Evaluation of Student to Determine if Compensatory and/or Remedial Services are Required.

By **January 31, 2018**, the Recipient will convene a meeting of a group of knowledgeable persons, as defined by Section 504, to review information from a variety of sources (which will be documented and carefully considered) and determine whether the Student needs compensatory and/or remedial services, such as tutoring or counseling, as a result of any failure on the part of the Recipient to provide appropriate regular and/or special education or related services to the Student during the 2016-2017, and **2017-2018 school years**. Among other issues, the group will consider whether the Student needs compensatory and/or remedial services as a result of missed instructional time due to consistent late arrival (at the start of the school day) and early pick-up (at the end of the school day) by the District bus that transports the Student to and from school. If the group determines that the Student needs compensatory and/or remedial services, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **April 30, 2018**. The Recipient will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements for Action Item 1:

(a) By **February 15, 2018**, the Recipient will submit to OCR documents supporting the group's decision. The documentation submitted shall include:

- i. A copy of the written notification sent to the Complainant concerning the date and time of the meeting and the right of the parent(s)/guardian(s) to attend, and proof of transmission to the Complainant (e.g., email chain, certified mail and tracking receipt, etc.);
 - ii. A list of all participants in the meeting (including names, titles, role in the meeting, and whether or not the participant was a voting member of the group);
 - iii. Records of all information considered during the meeting;
 - iv. Minutes or notes from the meeting;
 - v. An explanation of the decisions made during the meeting; and
 - vi. A description of and schedule for any compensatory and/or remedial services (if any) determined appropriate for the Student. If the group determines that compensatory and/or remedial services are not required, the Recipient will indicate that in its report, including a description of why the group reached that decision.
- (b) If compensatory and/or remedial services are deemed necessary, **by May 15, 2018**, the Recipient will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided; a description of what compensatory and/or remedial services were provided and how they were provided; and the names, titles, and contact information (telephone numbers and email addresses) of the service providers.

DISTRICT-WIDE REMEDY

Action Item 2:

Training on Free Appropriate Public Education (FAPE).

By **January 31, 2018**, the Recipient will conduct training regarding its obligation under Section 504 and Title II to provide a free appropriate public education to all qualified students with disabilities attending its schools, and Section 504's and Title II's prohibitions of disability discrimination and retaliation. The training must be provided to, at minimum, all relevant personnel, including, but not limited to, the head of transportation services, principals, special education coordinators, Section 504/Title II coordinators, teachers, teacher's aides, and counselors. The training will also focus on the Recipient's obligation to abide by the requirements of Section 504 and Title II, as it relates to the provision of an appropriate education including the obligation of staff members to fully implement any individualized education program or Section 504 plan that has been developed for a qualified student with a disability and the prohibition of retaliation against any individuals exercising their rights under Section 504 and Title II. The training will be conducted by a person or persons knowledgeable about the requirements of Section 504 and Title II and must be reviewed and approved by OCR prior to the training.

Reporting Requirements for Action Item 2:

- (a) By **January 5, 2018**, the Recipient will provide OCR, for OCR's review and approval, the proposed training materials to be used and distributed during the training described in Action Item 2, including any speaker's notes, handouts, and the name, title, contact information, and qualifications of the trainer(s).
- (b) **Within 10 days** of completing the training in Action Item 2, the Recipient will provide to OCR written verification that all required faculty, staff, and administrators have received the training, in addition to the date(s) of the training, and sign-in sheet(s) with the names and titles of individuals who attended the training.

Action Item 3:

Evaluation of Transportation Policies and Procedures.

By **January 31, 2018**, the Recipient will evaluate its transportation schedules, policies and procedures to ensure bus pick-up and drop-off allows the Recipient to provide the required appropriate regular and/or special education or related services to students with individualized education programs or Section 504 plans. If needed, the Recipient will amend its current schedules, policies and procedures to ensure compliance with Section 504 and Title II.

Reporting Requirements for Action Item 3:

- (a) By **February 15, 2018**, the Recipient will submit to OCR documents supporting of transportation services. The documentation submitted shall include:
 - i. A list of all participants in the meeting (including names, titles, and role in the meeting);
 - ii. Records of all information considered during the meeting;
 - iii. Minutes or notes from the meeting; and
 - iv. An explanation of the decisions made during the meeting.

C. EXECUTION:

The Recipient 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 Recipient understands that 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 this Agreement and is in compliance with Section 504 and Title II, and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, respectively. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The Recipient 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 Recipient 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 Recipient's representative below.

On behalf of the Bonham Independent School District and Board of Trustees, I hereby agree to and voluntarily submit this Resolution Agreement to the U.S. Department of Education, Office for Civil Rights, Dallas Enforcement Office, and commit to the general terms, principles, action items, and reporting requirements contained herein.

Dr. Marvin Beaty
Superintendent of Schools
Bonham Independent School District

Date