



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620  
DALLAS, TX 75201-6810

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

**RESOLUTION AGREEMENT**  
**Bynum Independent School District**  
**OCR Ref. No. 06171487**

**A. GENERAL TERMS & PRINCIPLES:**

OCR and the Bynum Independent School District (BISD, District) enter into this agreement to resolve the allegations in the above-referenced complaints. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by BISD.<sup>1</sup>

BISD assures the U.S. Department of Education, Office for Civil Rights (OCR) that it will take the following actions in accordance 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 of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigations, BISD agreed to resolve the issues of these investigations pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issues of these investigations, BISD agrees to take the following actions.

**B. TRAINING REQUIREMENT**

**Action Item 1 - Training**

By **December 30, 2019**, BISD will draft and provide a training to the Student's **[\*\*redacted\*\*]** teacher(s) regarding BISD's obligation under Section 504 and Title II to provide a FAPE to all qualified students with disabilities attending its school. The training shall address, at a minimum: BISD's policies and procedures for carrying out its responsibilities under Section 504 and Title II to provide a FAPE to each qualified disabled person who is attending its schools, regardless of the nature or severity of the person's disability, including BISD staff members' obligation to fully implement students' Section 504 plans. If the teacher(s) at issue is/are no longer employed with BISD, this training need not be provided to the former employee(s).

**Reporting Requirement for Action Item 1:**

By **January 30, 2020**, if any of the staff described in Action Item 1 remain employed with BISD, BISD will provide OCR with detailed information regarding the training conducted. Specifically,

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<sup>1</sup> **[\*\*redacted\*\*]**

BISD will provide OCR with a copy of the training, the sign-in sheets for all training sessions showing all staff who attended the training; the date(s) of the training session(s); a copy of all training materials used; and the name, title, credentials, and contact information of the person(s) who provided the training.

### **C. STUDENT REMEDIES**

#### **Action Item 2 – Invitation to Reenroll**

By **October 30, 2019**, the District will send the Complainant a letter via email and certified mail, return receipt requested. The letter will:

- a. Invite the Student to re-enroll in the District for the 2019-2020 academic year;
- b. State that if the Student reenrolls within 60 days of the date of the letter, the District will conduct an evaluation of the Student pursuant to Section 504, at 34 C.F.R. § 104.35 no later than 30 days after the Student reenrolls, in order to determine whether the Student requires services to address any deficiencies resulting from **[\*\*redacted\*\*]**;
- c. State that if such services are determined necessary, all such services will be provided on or before the end of the 2019-2020 academic year.

#### **Reporting Requirement for Action Item 2:**

By **October 30, 2019**, the District will provide OCR with documentation, including copies of certified letters and email transmission records, demonstrating that it has timely completed Action Item 2.

#### **Action Item 3 – 504 Meeting**

If the Student reenrolls in the District within 60 days of the date of the letter, **within thirty (30) calendar days of the Student's reenrollment**, the District will convene a group of people knowledgeable about the data, the Student, and placement options (504 Committee) to conduct an evaluation of the Student pursuant to Section 504, at 34 C.F.R. § 104.35 in order to determine whether the Student requires services to address any deficiencies resulting from **[\*\*redacted\*\*]** (504 meeting). The BISD will provide written notice to the Student's parents inviting them to attend the 504 meeting, and will provide the Student's parent(s)/guardian(s) with notice of their procedural safeguards under Section 504, including the right to challenge the group's determination through an impartial due process hearing. If through the evaluation the 504 Committee determines that the Student needs such services, the group will develop a plan for providing them, and ensure that all such services are provided on or before **June 1, 2020**.

#### **Reporting Requirements for Action Item 3:**

- a. By **December 1, 2019**:
  1. If the Student has not reenrolled in the District, the District will provide a notarized written statement from an appropriate District employee notifying OCR that the Student did not reenroll in the District within the timeframe specified in Action Item 2(b).

2. If the Student did reenroll in the District within the timeframe specified in Action Item 2(b), the District will submit to OCR documentation of the 504 meeting conducted pursuant to Action Item 3. The documentation submitted will include:
  - i. A list of all participants in the meeting (including names and titles);
  - ii. Copies of all documentation and information considered during the meeting;
  - iii. Minutes or notes from the meeting;
  - iv. Written notice provided to the Student’s parent regarding the meeting, and accompanying transmittal records (e.g. certified mail, email record);
  - v. Documentation of the District’s invitation to the Student’s parents to attend the meeting, notice of procedural rights under Section 504 provided to the Student’s parents, and accompanying transmittal records (e.g. certified mail, email record);
  - vi. If the 504 Committee determines that the type of services described in Action Item 3 are necessary, a copy of the plan or schedule created which ensures that such services will be provided on or before **June 1, 2020**.
- b. If the type of services described in Action Item 3 are deemed necessary by the 504 Committee, by **June 15, 2020**, the District will provide OCR with documentation that all such services have been provided. Such documentation will include, at a minimum:
  - a. The names, titles, and contact information of all staff that provided services;
  - b. The dates and times that each type of services was provided;
  - c. Copies of documentation generated in the course of providing the such services (e.g. sign in logs, student work, etc.), if any.

#### **D. EXECUTION**

BISD 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, BISD understands that, during the monitoring of this Agreement, if necessary, OCR may visit BISD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether BISD has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. § 104.21, and Title II implementing regulation at 28 C.F.R. § 35.149. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

BISD 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 BISD 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 BISD’s representative below.

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Authorized Official’s Name (Printed)

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Authorized Official's Signature  
Bynum Independent School District

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Date