



RESOLUTION AGREEMENT
White Settlement School District
OCR Case Number: 06-17-1817

OCR and White Settlement Independent School District (District or recipient) enter into this agreement to resolve the allegations in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures the U. S. Department of Education, Office for Civil Rights, (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 regulations at 34 C.F.R. Part 104; Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulations at 28 C.F.R. Part 35; and Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulations at 34 C.F.R. Part 100. Section 504 and Title II prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively. Title VI prohibits discrimination on the basis of race, color, or national origin by recipients of Federal financial assistance.

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, to resolve the issues of this investigation, the District agrees to take the following actions.

Action Item 1: Training

By XXXX XXXX ,XXXX, the District will develop, for OCR's review and approval, a training module regarding the District's responsibilities under Section 504, Title II, and Title VI. The proposed training must be provided to all appropriate staff at the XXXX XXXX XXXX, including, but not limited to, administrators, faculty, coaches, and counselors. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to Section 504, Title II, and Title VI. The training shall address, at a minimum:

- a. The District's responsibility to enforce facially neutral policies, such as its anti-bullying policy, in a non-discriminatory manner, pursuant to the Title VI implementing regulation at 34 C.F.R. § 100.3;
- b. The District's responsibility not to retaliate against individuals who make complaints of discrimination, pursuant to the Title VI implementing regulation at 34 C.F.R. § 100.7(e);
- c. The District's responsibility to provide a free appropriate public education (FAPE) to each qualified student with a disability and its obligation of to evaluate any student who, because of a disability, needs or is believed to need regular or special education and related services, pursuant to the Section 504 and Title II implementing regulations at, 34 C.F.R. §§ 104.33-104.36, and 28 CFR § 35.130.

Reporting Requirements

- a. **By XXXX XXXX ,XXXX**, and prior to the Section 504/Title II/Title VI training, the District will provide OCR, *for review and approval via email*, with a copy of the

training module that the District will utilize; the name, credentials, and contact information for the person(s) who will conduct the training; and a description and/or copy of the notification that the District will use to inform attendees of the mandatory training.

- b. Within **60 days** of receiving OCR's approval described in Reporting Requirement (a) for the Action Item of this Agreement, the District will provide OCR with information indicating the training of staff referenced in Action Item 1 above was conducted. The District will provide OCR with sign-in sheets for all training sessions evidencing all staff who attended the training; the date the training session(s) were conducted; a copy of the training materials used; and the name, title, credentials, and contact information for the person(s) who provided the training to comply with this Action Item.

Action Item 2: Section 504 Committee Meeting

By XXXX XXXX, XXXX, after providing proper written notice to the Student's parent/guardian, the District will convene a Section 504 Committee meeting to determine whether, because of a disability, the Student needs regular or special education and related services. During the meeting, the District shall also consider whether the Student requires compensatory and/or remedial services as a result of the District's alleged failure to evaluate the Student during the XXXX - XXXX school year. If so, within two weeks of its determination, the Section 504 Committee will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond XXXX XXXX, XXXX. The District 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

- a. Within 3 weeks of the decision as to whether the Student needs regular or special education and related aids and services and/or whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the committee's decision, including the participants in the meeting, an explanation for decisions made, the information considered, a copy of Section 504 Plan (if any) developed for the Student, a description of any compensatory and/or remedial services (if any) to be provided to the Student, and documentation that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§104.34, 104.35 and 104.36, in making these determinations.
- b. In the event the District determines that the Student is entitled to compensatory and/or remedial services, the District will provide to OCR, no later than XXXX XXXX, XXXX, documentation of the dates, times, and locations that any compensatory and/or remedial services were provided. The documentation shall include a description of the services provided and the name(s) of the providers.

Action Item 3: Effects of Bullying

By XXXX XXXX ,XXXX, the District will offer, in writing, to the Student's parent/guardian, counseling services to the Student to address alleged bullying by XXXX peers and to determine whether other measures to remedy the effects of the alleged harassment as needed. The District will provide other remedial measures, if any are determined necessary, at its own expense. The District counseling, and other remedial measures if determined necessary, will be provided within a reasonable period of time, but in any event no later than XXXX XXXX, XXXX. The District shall provide the complainant a minimum of thirty (30) days to respond to the offer.

Reporting Requirements

- a. By XXXX XXXX, XXXX, the District will provide OCR a report evidencing that evaluations of the Student pursuant to Action Item 3 were completed, and that appropriate services, if determined necessary, are being provided to the Student. If the Student's parent/guardian declined the offer for evaluation, then the District will provide OCR with evidence to support that the offer was made and that the offer was declined.

Action Item 4: XXXX Records

By XXXX XXXX ,XXXX, the District will adjust the Student's XXXX record regarding the Student's XXXX XXXX XXXX XXXX XXXX ,XXXX XXXX, by XXXX the Student's XXXX XXXX record and provide the complainant a copy of the Student's updated XXXX record.

Reporting Requirements

By XXXX XXXX, XXXX, the District will provide OCR documentation that the District updated the Student's XXXX XXXX XXXX record and provided the complainant a copy of the Student's updated XXXX record in accordance with Action Item 4.

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 necessary 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. § 104.4, Title II and its implementing regulation at 28 C.F.R. §35.130, and Title VI and its implementing regulation at 34 C.F.R. § 100.3. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this 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's representative below.

Printed Title & Name of Authorized District Official

Date

Signature of District Official