

RESOLUTION AGREEMENT
Beaumont Independent School District
Complaint Number 06-18-1719

The U.S. Department of Education (Department), Office for Civil Rights (OCR), and the Beaumont Independent School District (BISD or District) enter into this agreement to resolve allegation 1 in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The BISD assures OCR that it will take the following actions, consistent with its obligation 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 of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the District agreed to resolve allegation 1 in this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the District agrees to take the following actions.

Action Item

The District will provide training regarding its obligation under Section 504 to provide notice of procedural safeguards and to communicate pertinent information contained in Section 504 plans to the parents or guardian of a qualified student with a disability, or where appropriate, the student. The training should be provided to all relevant personnel, including but not limited to administrators, teachers, staff, and counselors at Beaumont XXXX XXXX XXXXXX. The training will be conducted by an individual knowledgeable about the laws and issues pertaining to disability discrimination.¹ The training shall address, at a minimum:

- a) The BISD's policies and procedures for carrying out its responsibilities under Section 504 and Title II to provide a free appropriate public education (FAPE) to each qualified disabled person who is within the BISD's jurisdiction, regardless of the nature or severity of the person's disability;
- b) The BISD's obligation to conduct an evaluation of any student who, because of disability, needs or is believed to need special education or related services before (1) taking any action with respect to the initial placement of the student in regular or special education and (2) any subsequent significant change in the student's placement, consistent with the Section 504 regulations, at 34 C.F.R. § 104.35; and
- c) The BISD's obligation to effectively notify parents of (1) placement decisions, including re-evaluation decisions, and (2) the BISD's system of procedural safeguards, in accordance with the Section 504 regulations, at 34 C.F.R. § 104.36.

¹ A person knowledgeable about the laws and issues pertaining to the identification, evaluation and placement of students who are, or are believed to be, disabled.

Reporting Requirement

- a) **Within 60 days** of the signing of this Agreement, the District will submit to OCR, for review and approval, its proposal for complying with the Action Item above. Specifically, the District will provide to OCR the name(s) and credentials of the individual(s) who it proposes to conduct the training session(s), and copies of the proposed materials the District intends to use at the training session(s).
- b) **Within 60 days** of OCR's approval of the individual(s) and materials referenced in Reporting Requirement (a), the District will provide the training listed in the Action Item above.
- c) **Within 30 days** of the completion of the training referenced above, the District will provide OCR with documentation demonstrating that it has timely completed the Action Item above. Specifically, the District will provide to OCR the names of all individuals who attended the training session(s), the date(s) and time(s) the training session(s) occurred, the name(s) and credentials of the individual(s) who conducted the training session(s), and copies of the materials disseminated at the training session(s).

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II.

The District also understands that by signing this agreement, it agrees to provide data and other 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 District has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II. 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 proceeding 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.

Dr. John W. Frossard, Superintendent
Beaumont Independent School District

Date