

RESOLUTION AGREEMENT
Burleson Independent School District
Complaint Number 06-18-1857

The U.S. Department of Education (Department), Office for Civil Rights (OCR), and the Burleson Independent School District (BISD or District) 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 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. Section 504 and Title II also prohibit retaliation.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues in 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

The District will provide training regarding its obligation under Section 504 and Title II to provide regular or special education and related aids and services deemed necessary to meet the individual educational needs of all qualified students with disabilities. The training is to be provided to XXXX XXXX XXXX (XXXX XXXX XXXX) at the XXXX XXXX XXXX regarding its obligations under Section 504 and Title II. The training will be conducted by an individual(s) knowledgeable about the laws and issues pertaining to disability discrimination and shall address, at a minimum, the following:

- 1) The requirements, importance, and methods of providing students with disabilities related aids and services determined necessary to meet the Student's individual educational needs, including in the context of an XXXX program, pursuant to Section 504, at 34 C.F.R. §§ 104.33 and 104.37, and Title II, at 28 C.F.R. § 35.130.
- 2) The District's obligation to protect individuals from retaliation pursuant to Section 504, at 34 C.F.R. § 104.61, and Title II, at 28 C.F.R. § 35.134.
- 3) The prohibition of harassment of students with disabilities, including physical or verbal harassment, and the School's responsibility to promptly and equitably respond to allegations of harassment based on disability pursuant to Section 504, at 34 C.F.R. § 104.4, and Title II, at 28 C.F.R. § 35.130.

Reporting Requirement 1

- 1) **Within 60 days** of the signing of this Agreement, the District will submit to OCR, for review and approval, its proposal for complying with Action Item 1 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).
- 2) **Within 60 days** of OCR's approval of the individual(s) and materials referenced in Reporting Requirement 1, the District will provide the training listed in Action Item 1 above.
- 3) **Within 30 days** of the completion of the training referenced above, the District will provide OCR with documentation demonstrating that it has timely completed Action Item 1 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).

Action Item 2 - Policy Review

By **April 12, 2019**, the BISD will review its policies, procedures, and practices to assure that students with disabilities are provided an equal opportunity to participate in XXXX activities through timely provision of services under individual education plans (IEP), Section 504 plans and Individual Health Plans. The District will ensure that administrators, teachers and coaches are timely provided plans and information. If determined appropriate by the BISD, the BISD will make modifications to its current policies and practices to provide compliance with Section 504 and Title II.

Reporting Requirement 2

- 1) By **April 30, 2019**, the BISD will provide documentation to OCR evidencing that Action Item 2 has been completed. The documentation should include a copy of any revised policies and procedures.

Action Item 3 – Compensatory Services

The District will convene a meeting of a group of persons knowledgeable about the Student to evaluate whether the Student needs compensatory and/or remedial services as a result of XX – to end of sentence redacted – XX.

Reporting Requirement 3

- 1) By **April 12, 2019**, the District will submit to OCR documents reflecting the meeting, including documents that support the Group's decision. The District shall provide:
 - 1) the participants in the meeting;
 - 2) an explanation of the decision regarding the

