RESOLUTION AGREEMENT
Bentonville Public Schools
OCR Case Number 07-21-1208

The Bentonville Public Schools (District), Bentonville, Arkansas, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR Case No. 07-21-1208 and ensure the District’s compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 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. § 12132, and its implementing regulation at 28 C.F.R. Part 35. The District voluntarily agreed to resolve this complaint prior to the conclusion of OCR’s investigation. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District.

The District agrees to take the following actions:

DISABILITY HARASSMENT POLICIES AND PROCEDURES

1. The District will review and, if necessary, update and/or amend its Bullying Policy 4.49 and/or Section 504 grievance policies and procedures to ensure the District provides for the prompt and equitable resolution of complaints of disability discrimination and harassment. The revised procedures must ensure that the policies incorporate appropriate due process standards, such as: (1) adequate definitions of prohibited discrimination and harassment; (2) designated and reasonably prompt timeframes for major stages of the grievance process; (3) adequate, reliable, and impartial investigation of complaints; (4) the provision for written notice to both parties of the outcome of the complaint; and (5) an assurance that the District will take steps to prevent recurrence of any disability discrimination or harassment and correct its discriminatory effects on the complainant and other students.

REPORTING REQUIREMENT: By July 30, 2022, if desired, the District may consult with OCR about its revisions to the Policies.

REPORTING REQUIREMENT: By August 30, 2022, the District will adopt and disseminate the revised policies/procedures to all District administrators, staff, and parents of students with Section 504 plans or Individualized Education Plans (IEPs). The District will post the revised policy and/or procedures on the District’s website, as a link within the District’s “Administrator Investigation, Communication, & Documentation” guide, as a link within the District’s “Equal Educational Opportunity” statement and provide OCR a copy of the revised policy/procedure. The District will also provide OCR documentation showing that the revised policies/procedures were disseminated and posted.

SECTION 504 TRAINING FOR ADMINISTRATORS AND STAFF

2. By August 30, 2022, the District will provide training regarding disability-based harassment and discrimination to all District employees. With regard to disability
harassment, the training will include employee responsibilities to report incidents of possible harassment and the procedures for doing so and will provide instruction on how to recognize and take steps reasonably designed to prevent and respond appropriately to such harassment. The training will be conducted by an individual with appropriate expertise regarding Section 504.

**REPORTING REQUIREMENT:** Within 30 calendar days of providing the training required by item 2 of this Agreement, the District will provide OCR documentation showing it has completed the training. The documentation must identify and include: the name and title of the individual who conducted the training; the date and location of the training; the topics addressed at the training; a copy of any materials distributed at the training; and a sign-in sheet with the name and title of each individual who participated in the training.

**COMPENSATORY SERVICES**

3. By April 30, 2022, the District will convene the IEP Team to consider whether any compensatory education services are appropriate for the Student, and if so, develop a plan for providing the compensatory education services to him.

**REPORTING REQUIREMENT:** Within 30 calendar days of the IEP meeting required by item 3 of this Agreement, the District will inform OCR whether the IEP team determined compensatory education services were necessary, and if so, provide a copy of the plan for providing the compensatory education services and the amount of compensatory education services appropriate for the Student.

The District understands that by signing this Resolution Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements set forth in this Resolution Agreement. Further, the District understands that during the monitoring of this Resolution Agreement, if necessary, OCR may visit the District, interview employees 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 Resolution Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.33 and 104.37 and Title II at 28 C.F.R. § 35.130(a), which were at issue in this case.

The District understands that OCR will not close the monitoring of this Resolution Agreement until OCR determines that the District has fulfilled the terms of this Resolution Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.33 and 104.37 and Title II at 28 C.F.R. § 35.130(a), which were at issue in 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 Resolution Agreement. Before initiating administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Resolution Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.
XXXXX XXXXX
Superintendent (or designee)
Bentonville Public Schools

XXXXX
Date