

Resolution Agreement
Birdville Independent School District
OCR Complaint No. 06141619

The Birdville Independent School District (BISD) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office. By this Agreement, the BISD commits to the following actions, consistent with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulations 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 regulations at 28 C.F.R. Part 35, to resolve the compliance concerns identified through OCR's investigation of the above-referenced complaint. The BISD understands that OCR will not close the monitoring of this Agreement until OCR determines that the BISD has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, at 34 C.F.R. § 104.33, and 28 C.F.R. § 35.130, respectively, which were at issue in this case. The BISD 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 BISD understands that during the monitoring of this Agreement, if necessary, OCR may visit the BISD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the BISD has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, at 34 C.F.R. § 104.33, and 28 C.F.R. § 35.130, respectively, which were at issue in this case. The 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 the BISD written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach. The BISD hereby voluntarily commits to the following:

ACTION ITEM 1

- 1.1 By April 3, 2015, after providing proper written notice to the complainant, a group of knowledgeable persons, including the complainant, will determine whether the Student needs compensatory and/or remedial services as a result of the BISD's failure to provide the Student appropriate regular and/or special education or related services in September 2014. If so, within 1 week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond July 3, 2015. The group of knowledgeable persons will also determine whether a plan is necessary for ensuring that the Student receives appropriate instruction during unforeseen instances where elevated temperatures require her to miss classes. The BISD will provide the complainant written notice of the applicable procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIREMENTS:

- 1.1 Within 2 weeks of the decision as to whether compensatory and/or remedial services are needed, the BISD will submit to OCR documents supporting the group’s decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the BISD’s decision and plan for providing the proposed services, review the documentation to ensure that the BISD met the procedural requirements of the regulations implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

- 1.2 By July 15, 2015, the BISD will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

Dr. Darrell G. Brown, Superintendent
Birdville Independent School District

Date

Printed Name and Title