

RESOLUTION AGREEMENT
Lowell Public Schools
U.S. Department of Education, Office for Civil Rights
Complaint No. 01-13-1236

Pursuant to the U.S. Department of Education, Office for Civil Rights (OCR) Case Processing Manual at Section 302, OCR has the authority to accept this resolution agreement before the conclusion of the investigation of the above-referenced complaint. In order to resolve this complaint filed with OCR under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 and without admitting to any violation of law, Lowell Public Schools (District) agrees to implement the following resolution provisions by February 15, 2014:

- 1) Notify the Complainant in writing that she is welcome to provide snacks and drinks to the Student's classroom(s) and/or stock a "fanny pack" for the Student to carry around with said items, in order to address his need for ready access to food and drink in the event of school lockdown procedures.
- 2) Extend an invitation to the Complainant to reconvene the Student's Section 504 team to discuss the Complainant's request to supplement the Student's "fanny pack" with various health related items, including emergency medications for the Student's disabilities. The District agrees that in the event of an impasse among team members regarding the appropriateness of any given item for inclusion in the "fanny pack", the Complainant will be provided with procedural safeguards in accordance with Section 504.

Within two weeks after the date of the Section 504 meeting, and no later than March 15, 2014, the District agrees to provide OCR with the following:

- 1) A copy of any correspondence to the Complainant as referenced in item number 1 above; and,
- 2) A copy of the notes from the meeting referenced in #2 above, including a list of staff members present at the meeting, a brief description of the outcome of the meeting and the basis for all decisions, and evidence that the Complainant was provided with procedural safeguards, as appropriate.

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 regulation implementing Title VI, which was at issue in this case. The District 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 the District has fulfilled the terms of this agreement and is in compliance with the regulation implementing at 34 C.F.R. Part 100, which was 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 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 a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Jean Franco, Superintendent

____1/24/14_____
Date