

RESOLUTION AGREEMENT

Lockhart Independent School District
OCR Reference Number: 06141248

The Lockhart Independent School District (LISD or District), Lockhart, Texas, voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. The LISD commits to the actions contained in the Agreement to ensure that it meets the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 (amended 1992), and its implementing regulations at 34 C.F.R. §§ 104.33-104.36 and §104.61, 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. §§ 35.130 and 35.134.

The LISD will complete the following actions:

Action Item 1

By April 30, 2014, the LISD will conduct a meeting by a group of persons, including persons who are knowledgeable about the Student, the meaning of the evaluation data, and the placement options, to evaluate whether Student's 504 Plan is sufficient to provide the Student with a FAPE for the remainder of the 2013-14 and 2014-15 school years. The LISD shall notify the complainant in writing of the LISD's determination made pursuant to this Action Item, and provide the complainant with documentation reflecting such an evaluation, including meeting minutes and procedural safeguards.

Reporting Requirement

By May 14, 2014, the LISD will submit to OCR a narrative report documenting that the LISD complied with Action Item 1 within 30 days of completing said meeting. The documentation will include, but is not limited to, a list of the individuals who met regarding the Student, copies of the meeting minutes, a narrative report of the determination made, and the procedural safeguard notices provided to the complainant.

Action Item 2

By June 1, 2014, and January 30, 2015, the LISD will ensure that all staff, including any contracted cafeteria staff, will fully implement Student's 504 Plan, including her food plan, to provide Student with FAPE for the spring and fall 2014 semesters. The LISD will document the provision of Student's 504 Plan through quarterly progress reports to be provided to the complainant.

Reporting Requirement

By June 15, 2014 and February 15, 2015, the LISD will submit to OCR a narrative report documenting that the LISD complied with Action Item 2. The documentation will include, but is

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not limited to, copies of the above-referenced progress reports completed by LISD staff and any applicable contracted cafeteria staff.

Action Item 3

By September 1, 2014, the LISD will provide District-wide training for all administrators, teachers, and other persons, including contracted cafeteria staff, involved in the provision of FAPE to qualified students with disabilities under Section 504 and Title II. The training shall include information regarding the duty to identify and evaluate students who need or are believed to need special education or related aids and services as a result of disability, the inclusion of food allergies as a potential disability under Section 504 and Title II, the provision and implementation of food plans as part of a 504 plan, and a review of OCR’s prohibition of retaliation, including training regarding examples of retaliation under Section 504 and Title II.

Reporting Requirement

By September 15, 2014, the LISD will provide OCR with a copy of the materials used for training staff as referenced in Action Item 3. The LISD will also provide a report that includes the date(s) of the training, the agenda, the name(s), title(s) and qualifications of the person(s) who provided the training, as well as, the names and titles of individuals who attended, and the information conveyed at the training, as referenced in Action Item 3 above, including copies of all materials used during the training.

The LISD 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 Section 504 and its implementing regulations at 34 C.F.R. §§ 104.33-104.36 and §104.61, and Title II and its implementing regulations at 28 C.F.R. § 35.130 and §35.134, which were at issue in this case. The LISD 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 LISD understands that during the monitoring of this agreement OCR may visit the LISD, interview staff and personnel, and request such additional reports or data as are necessary for OCR to determine whether the LISD has fulfilled the terms of this Agreement.

The LISD 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 LISD written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Ms. Janie Wright, Acting Superintendent
Lockhart Independent School District

Date