

VOLUNTARY RESOLUTION AGREEMENT
Leakey Independent School District
OCR Complaint No. 06-16-1555

The Leakey Independent School District (LISD) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the LISD commits to the following actions to ensure that it is in compliance with the requirements of 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. § 12131, and its implementing regulation at 28 C.F.R. Part 35, with regard to the above-referenced complaint.

Remedial Action Required

Action Item 1:

Training and Policy

- A. The LISD will provide training to all district administrators and staff regarding the district's obligations pursuant to Section 504 and Title II, to provide a free and appropriate public education to all qualified students with disabilities residing within its jurisdiction. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to disability discrimination, with emphasis on the evaluation of students who are or are believed to be disabled and the implementation of an individualized education plan for such students. The training will include, at a minimum:
1. The Section 504 evaluation and placement process, and procedural safeguards, including:
 - i. The district's obligation to conduct an evaluation within a reasonable timeframe of every student who is or is believed to be disabled before taking any action with respect to the initial placement of the student in regular or special education and any subsequent significant change in placement;
 - ii. The district's obligation to consider the least restrictive environment when making determinations about the placement of a qualified student with a disability; and
 - iii. The district's obligation to ensure that all information obtained in an evaluation is documented and carefully considered;
 2. Clarifying the roles of staff and administrators involved in the district's referral and evaluation process under Section 504 and Title II;
 3. The obligation of LISD staff members to fully implement any individualized education program (IEP) or Section 504 Plan that has been developed for a qualified student with a disability; and
 4. The prohibition of retaliation against any individuals exercising their rights under Section 504 and Title II.

- B. The LISD will develop administrative procedures concerning XX---to end of sentence redacted---XX. The procedures will include a clause requiring the district to XX---to end of sentence redacted---XX.

Reporting Requirement for Action Item 1

- A. By **September 1, 2017**, the LISD will submit to OCR for review and approval, its proposal for complying with Action Item 1A, above. Specifically, the LISD 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 LISD intends to use at the training session(s).
- B. Within **30** days of OCR’s approval of the individual(s) and materials referenced in Reporting Requirement 1(A), the LISD will provide the training listed in Action Item 1: Section 504 and Title II Training.
- C. Within **30** days of the completion of the training referenced in Reporting Requirement 1(B), the DPSB will provide OCR with documentation demonstrating that it has timely completed Action Item 1 above. Specifically, the LISD will provide to OCR the sign-in sheets containing the names of all individuals who attended the training session(s) provided pursuant to Action Item 1, and the date(s) and time(s) the training session(s) occurred.
- D. By **May 5, 2017**, the LISD will submit to OCR a copy of the administrative procedures it developed in accordance with Action Item 1B above.

Action Item 2:

Student Remedies

- A. The LISD agrees to convene a meeting of a group of knowledgeable persons, as defined by Section 504 to consider whether the Student needs compensatory and/or remedial services, such as tutoring or counseling, as a result of any failure on the part of the LISD to provide appropriate regular and/or special education or related services to the Student during the 2015-2016 school year. If the group determines that the Student needs compensatory and/or remedial services, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond six months from the date of the meeting of the group of knowledgeable persons. The LISD will provide the Student’s parent/guardian notice of the procedural safeguards including the right to challenge the group’s determination through an impartial due process hearing.
- B. By **January 6, 2017**, the LISD will develop and implement a documentation system to ensure that the related aids and services delineated in the Student’s 504 Plan are implemented as prescribed.

- C. The LISD agrees to provide the Student with an equal opportunity to XX---to end of sentence redacted---XX.

Reporting Requirements for Action Item 2

- A. By **January 6, 2017**, the LISD will submit to OCR a report documenting when a group of knowledgeable people was convened to consider the Student’s placement, related aids and services and the possible need for compensatory services, in accordance with Section 504. The LISD will also submit to OCR documents supporting the group’s decision as to whether compensatory and/or remedial services are needed. The documentation submitted shall include documentation showing the participants in the meeting, an explanation of the decision made, the information considered, and the agreed upon schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the LISD’s decision and plan for the proposed services, review the documentation to ensure that the LISD met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

After reviewing the proposed services, OCR may question whether the LISD’s determination regarding the provision or compensatory services adequately addresses any prior failure to provide appropriate services under the Student’s 504 Plan. If so, OCR will, prior to approving the LISD’s decision and proposed services, raise its concerns with the LISD and request additional documentation to support that group’s educational determination regarding the sufficiency of the prescribed compensatory and/or remedial services.

- B. Within two weeks of the period in which the LISD provided any compensatory and/or remedial services, the LISD will provide documentation to OCR of the dates, times and locations that the compensatory and/or remedial services were provided, a description of what was provided, and the names of the service provider(s).
- C. By **December 23, 2016**, the LISD will report to OCR on whether XX---to end of sentence redacted---XX. If the LISD has determined that the Student is not eligible to participate, the district will submit to OCR documentation supporting its decision to not allow XXXX to participate.
- D. By **May 5, 2017**, the LISD will provide OCR documentation of the process or procedure developed to ensure that the Student’s 504 Plan is implemented to include a description of the documentation to be maintained by the Student’s teachers to demonstrate the implementation of the related aids and services deemed necessary for the student XX---phrase redacted---XX as delineated in XXXX 504 Plan.

The LISD understands that OCR will not close the monitoring of this Agreement until such time that OCR determines that the district has fulfilled the terms of this Agreement and is in compliance with Section 504 and Title II.

The LISD understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the LISD understands that during the monitoring of this Agreement, 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 Section 504 and its implementing regulation at 34 C.F.R. Part 104, and Title II and its implementing regulation at 28 C.F.R. Part 35.

The LISD has agreed to the terms of this Agreement as set forth below. 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 sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Superintendent

Date