

Resolution Agreement
OCR Complaint # 03151231
Lancaster School District

In order to resolve the allegation in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulations at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act (Title II) and its implementing regulations at 28 C.F.R. Part 35, the Lancaster School District (the District) commits to implement the provisions set forth in this Resolution Agreement (Agreement) below.

Action Step #1

The District recognizes its obligation under Section 504 and its implementing regulation at 34 C.F.R. § 104.33 to provide a free appropriate public education (FAPE) to each qualified student with a disability in its jurisdiction and 34 C.F.R. § 104.35, which requires appropriate evaluation and placement for those students. By October 15, 2015, the District will disseminate a memorandum to all staff and administrators in the District who are involved in the delivery of services to students with disabilities attending District schools. The memorandum will remind them that decisions about the educational program of students with disabilities, should be made by a multidisciplinary team in a manner consistent with the procedural requirements of the regulations implementing Section 504 concerning evaluation, placement, and procedural safeguards, as well as the requirement that the multidisciplinary team consider information from a variety of sources in making those decisions, including any documentation provided by the student's parents.

Reporting Requirement: By October 30, 2015, the District will provide OCR with a copy of the memorandum developed and distributed pursuant to Action Step #1 above, a list of the persons who received the memorandum, and an explanation of the manner in which it was distributed.

Action Step #2

The District acknowledges its obligation under 34 C.F.R. §§ 100.7(e), 104.61 and 28 C.F.R § 35.134 to not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws OCR enforces, or because he or she has made a complaint, testified, assisted, or participated in any manner in an investigation or other matter in connection with a complaint.

By October 15, 2015, the District will disseminate a memorandum to all staff and administrators at the XXXXXX, reminding them that retaliation (any adverse action, including, but not limited to, coercion, threats or intimidation) against an individual who has engaged in a protected activity or participated in the resolution process of complaints alleging discrimination in violation of statutes and regulations enforced by OCR is prohibited.

Reporting Requirement: By October 30, 2015, the District will provide OCR with a copy of the memorandum developed and distributed pursuant to Action Step #2 above, a list of the persons who received the memorandum, and an explanation of the manner in which it was distributed.

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, 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 regulations implementing Section 504 at 34 C.F.R. §§ 104.33, 104.35 and 34 C.F.R. § 100.7(e), as incorporated by 34 C.F.R. § 104.61, which were at issue in this case.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. § 104.33 and 34 C.F.R. § 100.7(e), as incorporated by 34 C.F.R. § 104.61 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 Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9 and 100.10) or judicial proceeding to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/

9-15-15

Superintendent or Designee

Date