

**Lago Vista Independent School District  
OCR Complaint No. 06131724  
Voluntary Resolution Agreement**

The Lago Vista Independent School District (LVISD) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the LVISD commits to the following actions to ensure that it has achieved compliance, consistent with its obligation to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, (amended 1992), and its implementing regulation at 34 C.F.R. Part 104 (2013); Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35 (2013) which prohibit discrimination on the basis of disability.

The LVISD 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 regulation at 34 C.F.R. Part 104 and Title II and its implementing regulation at 28 C.F.R. Part 35.

The LVISD 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 LVISD understands that during the monitoring of this agreement, if necessary, OCR may visit the district, interview staff and contract staff, students, or others 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, which are at issue in this case.

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

**LVISD Personnel Training:**

**Action Item #1**

The LVISD will provide all faculty (including the Special Education Director and the Student's teacher(s)), staff and specialized staff (including paraprofessionals) responsible to provide care and services required by the student's individualized education plan (IEP) specialized training as legally required and continued classroom supervised training to ensure that all faculty and staff implementing the aids and related services required by the student's IEP have the necessary skills to implement the requirements of the student's IEP, to include periods when the certified special education teacher is absent, as required by the regulations implementing Section 504 and Title II. The training will be conducted by individual(s) knowledgeable about the laws and issues pertaining to disability discrimination, the evaluation and placement of students who are or are believed to be disabled, and the provision of FAPE to students under Section 504/Title II.

**Reporting Requirements for Action Item #1:**

By June 30, 2014, the LVISD will provide OCR with documentation demonstrating that it has timely completed Action Item #1 above, including the identity of the individual(s) conducting the training and the individual's qualifications, along with a copy of the materials or a summary of the material covered in such training and sign-in sheet(s) or other documentation showing the individuals who attended the training.

**Implementation of the Student's IEP:**

**Action Item #2:**

- 1) By March 30, 2014, the LVISD will notify the complainant in writing (via certified mail, return receipt requested) of its willingness to convene a group of knowledgeable person about the Student pursuant to Section 504 at 34 C.F.R. § 104.35.
- 2) If the complainant accepts the LVISD's offer to convene a group of knowledgeable person about the Student, the LVISD will convene the group of knowledgeable persons within thirty (30) calendar days of the parent's notice of acceptance of the offer. Pursuant to Section 504 at 34 C.F.R. § 104.35, the Admission, Review and Dismissal (ARD) meeting should be conducted by a group of persons who are knowledgeable about the Student, the meaning of the evaluation data, and placement options within the LVISD. The purpose of the ARD meeting is to:
  - a) Determine which regular or special education aids and related services should be provided to the Student and in what educational setting (e.g., to include clarifying any feedback/reporting standards); and,
  - b) Determine whether compensatory services are warranted as a result of any missed related aids or services during the 2012-2013 school year and the Fall 2013 semester.
- 3) Notify OCR (via regular mail or email) and the complainant (via certified mail, return receipt requested) of the LVISD's determinations made pursuant to this Action Item and provide the complainant with notice of the LVISD's system of procedural safeguards.
- 4) If the Section 504 committee determines that compensatory services are necessary for the Student in accordance with Action Item #2(b), then within thirty (30) calendar days of said determination, a plan will be developed which specifies the services to be provided to the Student, the manner in which the services will be provided, when the services will be provided, the individuals responsible for providing the services, and the length of time the services will be provided.
- 5) The LVISD will take steps to ensure that the student's communication device (CD) is available to him daily at school in accordance with his IEP, and that the CD is being utilized by the student as necessary to implement his IEP consistent with the requirements of the regulations regarding Section 504 and Title II.

**Reporting Requirements for Action Item #2:**

- A) By June 1, 2014, the LVISD will provide OCR with documentation demonstrating that it has timely completed Action Item #2 above. The documentation should include:
- a. A copy of the notice sent to the complainant offering to convene a group of knowledgeable persons about the Student;
  - b. A copy of the complainant’s response (if any);
  - c. A report that will include, at a minimum, any ARD meeting minutes and related documentation evidencing that the meeting occurred; a copy of the document evidencing the related aids and services the committee determined to be necessary to meet the Student’s individual needs; documentation that the Student’s teachers and all appropriate LVISD personnel were notified of the related aids and services determined necessary for the Student; documentation that the above needed related aids and services were implemented and provided to the Student; and a written statement reflecting the determination made by the committee with regard to compensatory services; and notices provided to the complainant in accordance with Action Item #2; and,
  - d. If the committee determines that compensatory services are necessary for the Student, then the LVISD will provide documentation to OCR evidencing that the compensatory services identified to be necessary for the Student have been provided, including information regarding the specific services provided and the individuals responsible for providing the services, the manner in which the services were provided, and the length of time the services were provided.
- B) By May 30, August 1, and September 30, 2014, the LVISD will provide OCR with documentation of the data collection and observation samples collected that demonstrate the student’s progress toward meeting the benchmarks or short term objectives for the annual goals delineated in the student’s current IEP.

Signed:

\_\_\_\_\_  
Mr. Matt Underwood  
Superintendent

\_\_\_\_\_  
Date