



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620
DALLAS, TX 75201-6810

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

Voluntary Resolution Agreement

Lamar County School District (LCSD) OCR Reference: 06-14-1465

The Lamar County School District (LCSD) voluntarily submits this agreement to resolve the issue in the above referenced complaint. The LCSD assures the U. S. Department of Education, Office for Civil Rights, (OCR), that it will continue to make its programs and activities accessible, as required by Section 504 of the Rehabilitation Act of 1973 (Section 504), 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. 12132, and its implementing regulations at 28 C.F.R. Part 35.

The LCSD is subject to Section 504 and Title II because it receives Federal financial assistance from the Department and is a public entity. In light of the compliance concerns identified for Complaint Number 06-14-1465, the LCSD has agreed to the terms of this Agreement as set forth below.

Section 504/ Title II Grievance Procedures and LCSD Policies/Procedures

Action Item 1

By _____, 2014, the LCSD will review and revise its current Section 504/Title II grievance procedures to ensure that all complaints received, whether verbal or written, alleging discrimination on the basis of disability, are appropriately investigated and responded to as required by Section 504 and its implementing regulations. The policies/procedures will ensure a prompt and equitable response and resolution of complaints alleging disability discrimination including responsive actions taken by the LCSD to reasonably prevent recurrence and assure that students are not restricted in their participation or benefits. The LCSD shall ensure that the revised policies/procedures include, but are not limited to the following provisions, which will:

- notice that the procedures apply to complaints alleging disability discrimination by employees, students, or third parties;
- an explanation of how to file a complaint pursuant to the procedures;
- an explanation of the LCSD's informal complaint procedure and that such procedure is optional;

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- the name or title, office address, and telephone number of the individual with whom to file a complaint;
- the timeframes for the LCSD to attempt to informally resolve a complaint;
- definitions and examples of what types of actions may constitute disability discrimination;
- provide for the adequate, reliable, and impartial investigation of all complaints, including the opportunity for the parties to present witnesses and other evidence;
- timeframes for the major stages of the investigation, which typically takes three to ten calendar days, although the delay in the LCSD’s investigation may be longer in certain instances;
- an assurance that the LCSD will keep the complaint and investigation confidential to the extent possible;
- written notification to the parties of the outcome of the complaint;
- notice of the opportunity for the parties to appeal the findings;
- an assurance that the appeal will be conducted in an impartial manner by an impartial decision-maker;
- an assurance that the LCSD will take steps to prevent recurrence of any discrimination, with examples of the range of possible disciplinary sanctions and the types of remedies available to address the discriminatory effects on victims and others; and
- a statement that Section 504/Title II prohibits retaliation against any individual who files a complaint under Section 504/Title II or participates in a complaint investigation.

Reporting Requirement Action Item 1

By **December 1, 2014**, the LCSD will provide OCR, for review and approval, with copies of the revised policies referenced in Action Item 1. By **December 16, 2014**, and subsequent to OCR’s approval, the LCSD will provide OCR with documentation evincing how the revised policy was disseminated to students and employees.

Action Item 2

By **February 1, 2015**, the LCSD will conduct mandatory training for all faculty, staff and administrators employed at the Purvis High School. The training will highlight and include a review of the LCSD revised Section 504/Title II grievance procedures referenced above, in Action Item I. The training will also focus on the LCSD's obligation to abide by the requirements of Section 504/Title II, as it relates to the provision of an appropriate education. The training will include, but is not limited to, guidance on the appropriate method(s) to identify, evaluate and place students who are believed to need or need special education and related services. The training will be conducted by a person(s) knowledgeable about the requirements of Section 504/Title II.¹

Reporting Requirement Action Item 2

1. By **January 15, 2015**, and prior to the training, the LCSD will provide OCR, *for review and approval*, a copy of the training module and/or outline of the training materials that the LCSD will utilize, the name, credentials and contact information for the person(s) who will conduct the training and a description and/or copy of the notification that the LCSD will use to inform attendees of the mandatory training.
2. By **March 1, 2015**, the LCSD will provide OCR with detailed information regarding the training of staff and the requirements of Section 504/Title II. The LCSD will provide OCR with sign in sheets for all training sessions evidencing all staff who attended the training, the date, a copy of the training materials used, and the name, title, credentials and contact information for the person(s) who provided the training to comply with this Action Item.

The LCSD 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 regulations at 28 C.F.R. Part 35.

The LCSD 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 LCSD understands that during the monitoring of this agreement, if necessary, OCR may visit the school district, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the school district has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504, and its implementing regulation at 34 C.F.R. Part 104, and Title II and its implementing regulations at 28 C.F.R. Part 35, which was at issue in this case.

¹ OCR notes that the LCSD requested that OCR provide the Section 504/Title II training.

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

LCSD Designee

Date