

RESOLUTION AGREEMENT

Leander Independent School District OCR Complaint No. 06141617

The Leander Independent School District School District (LISD or District) 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, consistent 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. This Agreement is not intended to constitute, nor shall it be construed to constitute, an admission by the LISD of any violation of Section 504 or Title II.

ACTION ITEM I: Section 504/Title II Grievance Procedures

By 10/1/15, the District will review and revise, as necessary, its Section 504/Title II grievance procedures to ensure that these adequately address and provide for the prompt and equitable resolution of disability discrimination complaints, in accordance with the Section 504 regulation at 34 C.F.R. §104.7(b) and the Title II regulation at 28 C.F.R. §35.107(b). The LISD will submit such procedures to OCR for review and approval. These procedures will include, at a minimum, the following:

- Notice to students, parents, and employees of the procedure for filing a complaint, including how, where, and with whom complaints may be filed;
- Application of the procedures to complaints alleging disability discrimination carried out by employees, other students, or third parties;
- Adequate, reliable, and impartial investigation of complaints, including the opportunity for both parties to present witnesses and other evidence;
- Designated and reasonably prompt time frames for the major stages of the complaint process;
- Written notice to parties of the outcome of the complaint;
- An assurance that the school will take steps to prevent recurrence of any discrimination and to correct its effects on the complainant and others, if appropriate; and
- A statement that Section 504 and Title II prohibit retaliation against any individual who files a complaint under those laws or participates in a complaint investigation; and, that the District will investigate all allegations of retaliation and take action against those found to have retaliated.

REPORTING REQUIREMENT: **By 10/1/15**, the District will provide a draft of the Section 504/Title II grievance procedures to OCR for review and approval. **Within 60 calendar days** of OCR's approval, the District will provide documentation to OCR demonstrating that it has formally adopted the revised grievance procedures; updated its printed publications and on-line publications with the revised policy and procedures (inserts may be used pending reprinting of these publications); and electronically

disseminated the revised policy and procedures to students, parents and District staff. This documentation will include at a minimum; (i) printouts or a link to all on-line publications containing the revised policy and procedures; (ii) evidence of the electronic dissemination of the revised policy and procedures to students, parents and staff; and, (iii) if not yet finalized, copies of inserts for printed publications.

ACTION ITEM II: Staff Training

Within 30 days of OCR's approval of the Section 504/Title II grievance procedures, the District will provide training to all district staff on its revised Section 504/Title II grievance procedures, including recognizing and appropriately responding to complaints and incidents of disability discrimination.

REPORTING REQUIREMENT: Within 7 calendar days of the training, the District will provide documentation demonstrating that the training referenced above was provided. This documentation will include, at a minimum, the date(s) of the training; the name and credentials of the trainer; copies of any training materials used, including handouts, guides or other materials; and proof of attendance by district staff.

ACTION ITEM III: Student Remedy

Within 30 days of OCR's approval of the Section 504/Title II grievance procedures, the District's Section 504/Title II Coordinator (or another staff member with appropriate Section 504/Title II training) will conduct an investigation, consistent with the District's revised (OCR approved) Section 504/Title II grievance procedures, with regard to the complainant's allegation that the Student was not permitted to participate XXXXXX due to his disability. The Coordinator will determine whether previously interviewed individuals (if applicable) need to be brought in for follow-up questioning, whether new witnesses need to be interviewed, and whether further documentation should be secured. The District will ensure that the investigation is adequate, reliable, and impartial, and will remind witnesses that retaliation against anyone involved in the complaint process is a violation of Section 504/Title II and District policy. The Coordinator will determine whether disability discrimination occurred, and if so, will take steps to prevent the recurrence of discrimination by the alleged perpetrator(s) and remedy the effects of any discrimination on the alleged victim.

REPORTING REQUIREMENT: Within 7 calendar days of the conclusion of the investigation, the District will submit to OCR for review and approval documentation of its determination, including but not limited to the name, title, and qualifications of the investigator; copy of the investigatory file; and a copy of the investigator's written findings; a copy or summary of the data considered and witnesses interviewed. The District will also provide documentation of any recommendations to prevent recurrence of the discrimination and any corrective steps determined necessary to address the discriminatory effects on the Student (where applicable). **Within 10 calendar days** of OCR's approval, the District will provide OCR copies of the written correspondence to the parties informing them of the investigation's outcome.

REPORTING REQUIREMENT: If the District determined that corrective steps are necessary, **by 12/18/15**, the District will submit documentation to OCR demonstrating that it has implemented any corrective action determined to be necessary. The documentation must include the dates, times, and locations that services were provided and the name(s) of the service provider(s).

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. § 104.7(b); and Title II, at 28 C.F.R. § 35.107(b), which were at issue in this complaint. The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. 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 complied with the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.7(b); and Title II, at 28 C.F.R. § 35.107(b), which were at issue in this complaint. 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, 100.10) or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Signed:

/S/

Superintendent

Date