

Resolution Agreement
Longview Independent School District
OCR Complaint No. 06181016

The U.S. Department of Education, Office for Civil Rights (OCR) and the Longview Independent School District (LISD) enter into this resolution agreement (Agreement) to resolve the above-referenced complaint. The LISD assures OCR it will take the following actions 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; and 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 which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively. This Agreement does not constitute an admission by the LISD that it discriminated or otherwise engaged in any wrongdoing.

Prior to the completion of OCR's investigation, the LISD agreed to resolve the complaint pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the LISD agrees to take the following actions:

ACTION ITEM I

The LISD will provide information to OCR in connection with a training session for LISD teachers, administrators, counselors, and employees responsible for implementing Section 504 and Title II at Foster Middle School (FMS Staff) regarding its obligations under Section 504 and Title II to provide a free appropriate public education (FAPE) to each qualified student with a disability in the District's jurisdiction. The training will include information about policies and procedures specifically relevant to the District's responsibility to evaluate a student's need for regular or special education prior to taking disciplinary action which constitutes a significant change in placement. The training will be created by one or more individuals knowledgeable about the LISD's obligations under Section 504 and Title II and may be delivered to FMS Staff in person or in an electronic format.

REPORTING REQUIREMENTS

By July 1, 2020, the LISD must provide OCR, for its review and approval, the training materials reflecting the topics described in Action Item I that include, but shall not be limited to, the credentials of the individual(s) selected to conduct the training, a proposed plan for the training session (e.g., length of the training session, topics to be considered, etc.), and a description of the training materials to be used by the trainer(s) and/or provided to attendees during the training session.

Within sixty (60) calendar days after OCR approves the training-based information described in Action Item I, the LISD will conduct the training approved by OCR. The training must be provided to all FMS Staff.

Within ten (10) calendar days after conducting the final training session in accordance with Action Item I, the LISD will provide OCR with documentation demonstrating the training session has been completed, including a sign-in sheet containing the signatures and titles of all attendees, the materials used during the training, and any other information indicating that the training sessions were conducted in accordance with the requirements of this Agreement.

ACTION ITEM II

By **July 27, 2020**, LISD will send the complainant a letter via regular mail and certified mail, return receipt requested, inviting the Student to reenroll and informing the Student and the complainant that upon reenrollment, the LISD will conduct an evaluation of the Student pursuant to Section 504, at 34 C.F.R. § 104.35.

REPORTING REQUIREMENTS

By **September 7, 2020**, the LISD will provide OCR with documentation, including copies of certified letters, demonstrating that it has timely completed Action Item II.

ACTION ITEM III

If the student is re-enrolled in Longview ISD for the 2020-2021 school year, the District agrees that by **September 14, 2020**, after providing proper written notice to the Student's parent or guardian, the LISD will convene a Section 504 committee meeting to determine whether the Student needs compensatory and/or remedial services as a result of the LISD's alleged failure to evaluate the Student before a significant change in placement during the 2016-2017 school year. If the Section 504 committee determines 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 **December 14, 2020**. The District will provide the Student's parent or guardian notice of procedural safeguards including the right to challenge the committee's determination through an impartial due process hearing.

REPORTING REQUIREMENTS

Within ten (10) calendar days after the Section 504 committee's decision regarding the Student's need for compensatory and/or remedial services, the LISD will submit documents supporting the group's decision to OCR. The documentation submitted will include documentation identifying the participants in the meeting, an explanation of decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services to the Student, if any. OCR will review the documentation to determine whether the LISD has met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§104.34, 104.35 and 104.36.

If the LISD determines the Student is entitled to compensatory and/or remedial services, the LISD will provide to OCR, by **January 11, 2020**, documentation of the dates, times,

and locations that any compensatory and/or remedial services were provided. The documentation shall include a description of the services provided and the name(s) of the providers.

The LISD 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 the Agreement. Further, the LISD understands that during the monitoring of the Agreement, if necessary, OCR may visit the LISD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms of the Agreement. Upon the LISD’s satisfaction of the commitments made under the Agreement, OCR will close the case.

The LISD further understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR will give the LISD written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the LISD’s representative below.

Dr. Maureen Lewis, Director of Special Education
Longview Independent School District

Date