



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620
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REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

RESOLUTION AGREEMENT
Lamar Consolidated Independent School District
OCR Ref. No. 06181535

A. GENERAL TERMS & PRINCIPLES:

OCR and the Lamar Consolidated Independent School District (LCISD) enter into this agreement to resolve the allegations in the above-referenced complaints. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by LCISD.

LCISD assures the U.S. Department of Education, Office for Civil Rights (OCR) that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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 *et seq.*, 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.

Prior to the completion of OCR's investigations, LCISD agreed to resolve the issues of these investigations pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issues of these investigations, LCISD agrees to take the following actions.

B. ACTION ITEMS 1:

Training

1. By September 30, 2019, LCISD will draft and provide a training regarding its obligation under Section 504 and Title II to provide a FAPE to all qualified students with disabilities attending its school. The training will be provided to all staff at Adolphus Elementary School. The training shall address, at a minimum:
 - a. LCISD's obligation to conduct an evaluation in accordance with 34 C.F.R. 104.35 of any person who, because of disability, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant change in placement;
 - b. LCISD's policies and procedures for carrying out its responsibilities under Section 504 and Title II to provide a FAPE to each qualified disabled person who is attending its schools, regardless of the nature or severity of the person's disability, including LCISD staff members' obligation to fully implement students' Section 504 plans.

REPORTING REQUIREMENTS Action Item 1:

By October 30, 2019, LCISD will provide OCR with detailed information regarding the training conducted. Specifically, LCISD will provide OCR with a copy of the training, the sign-in sheets for all training sessions showing all staff who attended the training; the date(s) of the training session(s); a copy of all training materials used; and the name, title, credentials, and contact information of the person(s) who provided the training.

ACTION ITEM 2:

Student Remedies

2. By October 1, 2019, Lamar CISD will hold a meeting (i.e. a 504 meeting) concerning the Student to determine whether compensatory services are necessary. The meeting will be composed of a group of persons knowledgeable about the Student, the meaning of the evaluation data to be considered, and the placement options (i.e. a 504 Committee). The meeting will conform to the requirements of 34 C.F.R. § 104.35. In this meeting, the 504 Committee will:
 - a. Consider information from a variety of sources, including but not limited to information about the Student's academic performance and behavior during the 2017-2018 school year, and will make a determination regarding whether the Student requires any compensatory and/or remedial services as a result of a failure to identify the Student's disabilities [redacted] and provide accommodations between [redacted].
 - b. If the 504 Committee determined that compensatory and/or remedial services are necessary for the Student, the 504 Committee will specify what services are necessary and develop a plan to ensure that all such services are provided.
3. If, the 504 Committee determined that compensatory and/or remedial services are necessary for the Student, Lamar CISD will ensure that all such services are provided no later than March 1, 2020.

C. REPORTING REQUIREMENT Action 2:

1. By October 30, 2019, LCISD will provide OCR with documentation concerning the 504 meeting described in Paragraph B(3) above, including at a minimum:
 - a. All 504 records, notes, and other documentation generated or relied upon during the meeting;
 - b. Written notice provided to the Student's parent regarding 1) the meeting 2) notice of procedural rights under Section 504 and 3) any accompanying transmittal records (e.g. certified mail, email record); and
 - c. If the 504 Committee determined that compensatory/remedial services are appropriate, a copy of the plan created which ensures that such services will be provided on or before March 1, 2020.

2. If the 504 Committee determined that compensatory/remedial services are appropriate, by April 1, 2020, LCISD will provide OCR with documentation that all such services have been provided. Such documentation will include, at a minimum:
 - a. The names, titles, and contact information of all staff that provided services;
 - b. The dates and times that each type of services was provided;
 - c. Copies of documentation generated in the course of providing the compensatory/remedial services (e.g. sign in logs, student work, etc.), if any.

D. EXECUTION:

LCISD understands that, by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, LCISD understands that, during the monitoring of this Agreement, if necessary, OCR may visit LCISD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether LCISD has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. § 104.21, and Title II implementing regulation at 28 C.F.R. § 35.149. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

LCISD 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 LCISD 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 LCISD's representative below.

Authorized Official's Name (Printed)

Authorized Official's Signature
Lamar Consolidated Independent School District

Date