



RESOLUTION AGREEMENT
Lubbock Independent School District
(LISD or District)
OCR Case Number: 06-19-1268

The U.S. Department of Education, Office for Civil Rights, (OCR) and the Lubbock Independent School District (LISD or District) enter into this agreement (Agreement) to resolve the allegations in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulations at 34 C.F.R. Part 100; Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulations 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 regulations at 28 C.F.R. Part 35. Title VI prohibits discrimination on the basis of race, color, or national origin by recipients of Federal financial assistance. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance. Title II prohibits public entities from discriminating on the basis of disability.

Prior to the completion of OCR's investigation, the District agreed to resolve the issue of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issue of this investigation, the District agrees to take the following action.

A. ACTION ITEMS & REPORTING REQUIREMENTS:

Action Item 1 – Conduct Section 504/Title II/Title VI Training for All Campus Staff

1. The District will conduct staff training at the District campus (Campus) attended by the Student of this complaint regarding the District's responsibilities under Section 504, Title II, and Title VI. The training must be provided to all staff at the Campus, including, but not limited to, administrators, faculty, and counselors. Additionally, the training will be conducted by individuals knowledgeable about the laws and issues pertaining to Section 504 and Title II, and may be delivered to District employees in an electronic format. Further, the training will include instruction on what type of conduct constitutes prohibited behavior, including examples of said conduct; the District's policies and regulations that prohibit said conduct; and resources available to students who experience said conduct. At a minimum, the training will address the District's responsibilities to:
 - a. Provide a free and appropriate public education (FAPE) to qualified students with disabilities in the District's jurisdiction; which includes appropriately identifying, evaluating, and placing students who are believed to need or need special education and related services; and providing appropriate regular or special education and related aids and services; pursuant to the Section 504 and Title II implementing regulations respectively located at 34 C.F.R. §§ 104.33–104.35 and 28 C.F.R. § 35.130;
 - b. Refrain from treating individuals differently on the basis of race, color, and/or national origin in the context of an educational program or activity without a legitimate, nondiscriminatory reason in a manner that interferes with or limits the abilities of such individuals to participate in or benefit from the services, activities or

- privileges provided by the recipient; pursuant to the Title VI implementing regulation at 34 C.F.R. § 100.3;
- c. Take prompt and effective responsive action to address disability-based harassment by students and recipient staff members, which is sufficient to constitute a hostile environment, and of which the District has or should have had notice; pursuant to the Section 504 and Title II implementing regulations respectively located at 34 C.F.R. § 104.4, and 28 C.F.R. § 35.130; and
 - d. Refrain from retaliating against individuals who raise complaints of discrimination, pursuant to the Title VI and Section 504 implementing regulations respectively located at 34 C.F.R. §§ 100.7(e) and 104.61, and the Title II implementing regulation at 28 C.F.R. § 35.134.

Reporting Requirements: Action Item 1

- a. **By November 1, 2019**, the District will provide OCR, for review and approval via email prior to conducting the training, information about the training described in Action Item 1 of this Agreement. This information will include, but not be limited to, a copy of all training modules, handouts, and materials that will be utilized during the training session(s); the name, credentials, and contact information of the individual(s) who will conduct the training; and a proposed plan/notification that the District will use to inform attendees of the mandatory training session(s) (e.g., topics to be discussed), which may be presented to District employees at multiple sessions.
- b. **Within six (6) months** after OCR approves the training-based information described in Reporting Requirement (a) for Action Item 1 of this Agreement, the District will conduct the training, as approved by OCR, for all District staff at the Campus and will provide OCR with detailed information regarding the training. This information will include, but not be limited to, sign-in sheets for all training sessions evidencing all staff who attended the training; the date the training session(s) were conducted; a copy of the training materials used; and the name, credentials, and contact information of the individual(s) who provided the training to comply with Action Item 1.

Action Item 2 – Evaluate & Provide Services to the Student pursuant to Section 504/Title II

2. After providing proper written notice to the complainant via certified mail with return receipt requested, the District will convene a group of knowledgeable persons to evaluate the Student in accordance with Section 504/Title II. As part of its meeting, the group of knowledgeable persons will also determine whether the Student needs compensatory and/or remedial services with respect to whether and how the District evaluated and provided services to the Student, and with respect to any disability-based harassment the Student may have experienced during the [XXXX–XXXX] school year. If the District determines that the Student needs compensatory and/or remedial services, **within 3 weeks** of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **June 2020**. The District will set forth the regular or special education and related aids,

services, and placement in a written Section 504 Plan or written Individualized Education Program (IEP), and commence providing the services. The District will provide the complainant notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements: Action Item 2

- a. **By November 1, 2019**, the District will submit to OCR documentation which evidences its completion of a Section 504/Title II evaluation of the Student and the District's decision regarding the Student's eligibility for services pursuant to Section 504/Title II, including a copy of the Section 504 Plan or IEP prepared for the Student. In addition, the District will submit to OCR documentation that notice of procedural safeguards was provided to the complainant.
- b. **Within 3 weeks** of the decision as to whether compensatory and/or remedial services are needed in accordance with Action Item 2, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student.
- c. Following the adoption of any plans by the District in order to comply with Action Item 2 of this Agreement, the District will provide documentation to OCR that any compensatory and/or remedial services deemed necessary to meet the Student's individual educational needs have, in fact, been provided. Documentation of such implementation of compensatory and/or remedial services will be provided to OCR **no later than 10 days after the end of the 2019–2020 school year**.

Action Item 3 – Offer to Provide Counseling to the Student

3. The District will send the complainant a letter offering to provide District counseling services to address incidents of any alleged disability harassment the Student may have experienced at school during the [XXXX–XXXX] school year. The letter shall give the complainant a minimum of **ten (10) calendar days** to accept the counseling services. The counseling shall begin **no later than thirty (30) calendar days** after the complainant accepts the offer. The letter shall also state that the amount and duration of the counseling shall be determined by the counselor upon consultation with the Student.

Reporting Requirement: Action Item 3

- a. **By November 1, 2019**, the District shall provide OCR with a copy of the letter it sent to the complainant offering counseling services, along with information or documentation regarding whether the complainant accepted, rejected, or failed to respond to the counseling offer. If the offer was accepted, the District shall also provide OCR with the name and qualifications of the District counselor; and the dates of any scheduled counseling sessions.

B. GENERAL TERMS & PRINCIPLES:

The District 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 District understands that during the monitoring of this Agreement, if necessary, 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 fulfilled the terms and obligations of this Agreement. Upon the District’s satisfaction of the commitments made under this Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

C. EXECUTION:

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

Printed Title & Name of Authorized District Official

Date

Signature of District Official