



RESOLUTION AGREEMENT

Tangipahoa Parish School Board

OCR Case Number: 06-14-1367

OCR and the Tangipahoa Parish School Board (District or recipient) enter into this 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 the U.S. Department of Education, Office for Civil Rights, (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 bases of race, color, or national origin. Section 504 and Title II prohibit discrimination on the basis of disability.

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

A. ACTION ITEMS & REPORTING REQUIREMENTS:

Action Item 1 – Conduct a Review & Assessment of Relevant Policies, Procedures, and Practices at the Selected Campuses

1. The District will review its written and unwritten policies, procedures, and practices utilized during the 2018–2019 school year relevant to the following activities at the District campuses noted below (hereinafter, collectively “Selected Campuses”). The purpose of this review will be to determine whether such policies, procedures, and/or practices necessitate revisions to ensure that (1) the District provides students with disabilities at the Selected Campuses the related aids and services determined necessary to meet their individual educational needs, and thereby provides such students a free appropriate public education (FAPE), pursuant to Section 504, at 34 C.F.R. § 104.33, and Title II, at 28 C.F.R. § 35.130; and that (2) in the provision of such aids and services, the District does not discriminate on the bases of race or color against students with disabilities at the Selected Campuses, pursuant to Title VI, at 34 C.F.R. §100.3. At a minimum, the District will review and assess:
 - a. The District’s distribution of Individualized Education Plans (IEPs) and Section 504 Individual Accommodation Plans (IAPs) that it created for students with disabilities at Hammond Westside Montessori School (HWMS), Amite Westside Middle Magnet (AWMM), Independence Magnet School (IMS), Loranger Middle School (LMS), and Hammond High Magnet School (HHMS);
 - b. The District’s transfers of IEPs and IAPs to the Tangipahoa Alternative Solutions Program (TASP) for students with disabilities who were assigned to TASP; and
 - c. The District’s provision of services required by the IEPs and IAPs of White and African-American students with disabilities at HHMS, Independence High Magnet School (IHMS), and Ponchatoula High School (PHS).

Reporting Requirement: Action Item 1

- a. **By January 29, 2020**, the District will provide to OCR a report regarding the District's review and its determinations as to whether its policies, procedures, and/or practices referenced in Action Item 1 necessitate revisions to satisfy the requirements of that action item.

Action Item 2 – Revise as Necessary Relevant Policies, Procedures, and Practices at the Selected Campuses

2. If the policies, procedures, and/or practices referenced in Action Item 1 necessitate revisions to satisfy the requirements of that action item, the District will make such revisions and will publish such revised policies, procedures, and/or practices both in written publications and on the District's website.

Reporting Requirements: Action Item 2

- a. **By February 28, 2020**, the District will provide to OCR, for review and approval via email, its policies, procedures, and practices required by Action Item 1, prior to adopting or disseminating such documentation.
- b. **Within thirty (30) calendar days** of receiving OCR's written approval pursuant to Reporting Requirement (a) of Action Item 2, the District will provide OCR with a link or links to the District website page(s) containing all electronic policy manuals and student and employee handbooks that include the policies, procedures, and practices required by Action Item 2. For those hard-copy handbooks and/or manuals disseminated on a yearly basis that include the policies, procedures, and practices required by Action Item 2, the District will update said handbooks and manuals at the time of printing and dissemination, and the updated copies will be furnished to OCR within thirty (30) calendar days of printing.

Action Item 3 – Conduct Section 504/Title II/Title VI Training for All Staff at the Selected Campuses

3. The District will conduct staff training for employees at the Selected Campuses regarding the District's responsibilities under Section 504, Title II, and Title VI. The training must be provided to all staff at the Selected Campuses, 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, Title II, and Title VI; and may be delivered to District employees in an electronic format. Further, regarding items 3(a) and 3(b) below, 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:

- a. The District's responsibility to provide a 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. The District's obligation to refrain from treating individuals differently on the basis of race or color, including by failing to provide the services required by Section 504 and Title II, 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. The District's policies, procedures, and practices described in Action Items 1 and 2 of this Agreement, as revised and approved by OCR.

Reporting Requirements: Action Item 3

- a. **By February 28, 2020**, the District will provide OCR, for review and approval via email prior to conducting the training, information about the training described in Action Item 3 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 one hundred twenty (120) calendar days** after OCR approves the training-based information described in Reporting Requirement (a) for Action Item 3 of this Agreement, the District will conduct the training, as approved by OCR, for all District staff at the Selected Campuses 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 3.

Action Item 4 – Evaluate & Provide Services to Students pursuant to Section 504/Title II

4. If, as a result of the District's review and assessment conducted pursuant to Action Item 1 of this Agreement, the District determines that its provision of aids or services to individual students with disabilities at the Selected Campuses during the 2018–2019 school year may not have complied with the District's revised policies, procedures, and practices described in Action Items 1 and 2 of this Agreement and approved by OCR; then, after providing proper written notice to the parents/guardians of such students via certified mail with return receipt requested, the District will convene groups of knowledgeable persons to individually

evaluate such students in accordance with Section 504/Title II. As part of its evaluations, the groups of knowledgeable persons will also determine whether such students need compensatory and/or remedial services with respect to the District's provision of aids or services to those students during the 2018–2019 school year. If the District determines that such students need compensatory and/or remedial services, **within 1 week** of its determination, the groups of knowledgeable persons for such students will develop plans for providing timely compensatory and/or remedial services with a completion date not to extend beyond **June 2021**. The District will set forth the regular or special education and related aids, services, and placement for such students in written IAPs or IEPs, and commence providing the services. The District will provide the parents/guardians of such students notice of the procedural safeguards including the right to challenge the groups' determinations through an impartial due process hearing.

Reporting Requirements: Action Item 4

- a. **By October 30, 2020**, the District will submit to OCR documentation which evidences its completion of a Section 504/Title II evaluation of the students identified by the District pursuant to Action Item 4, and the District's decisions regarding the students' eligibility for services pursuant to Section 504/Title II, including copies of the IAP(s) and/or IEP(s) prepared for such students. In addition, the District will submit to OCR documentation that notice of procedural safeguards was provided to the parents/guardians of such students.
- b. **Within 2 weeks** of the decision as to whether compensatory and/or remedial services are needed in accordance with Action Item 4, the District will submit to OCR documents supporting the decisions of the groups of knowledgeable persons. The documentation submitted shall include documentation showing the participants in the meetings, explanations for decisions made, the information considered, and a description of and schedules for providing any compensatory and/or remedial services (if any) to the students.
- c. Following the adoption of any plans by the District in order to comply with Action Item 4 of this Agreement, the District will provide documentation to OCR that any compensatory and/or remedial services deemed necessary to meet the students' individual educational needs have, in fact, been provided. Documentation of such implementation of compensatory and/or remedial services will be provided to OCR for each grading period, and **no later than thirty (30) days after the end of each grading period remaining during the 2020–2021 school year**.

B. GENERAL TERMS & EXECUTION:

The District 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, 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 of this Agreement.

and is in compliance with Title VI and its implementing regulation at 34 C.F.R. § 100.3, Section 504 and its implementing regulation at 34 C.F.R. § 104.33, and Title II and its implementing regulation at 28 C.F.R. § 35.130. Upon completion of the obligations under this Agreement, OCR shall close the monitoring of this case.

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 sixty (60) calendar days to cure the alleged breach.

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