



RESOLUTION AGREEMENT
St. Tammany Parish School Board
OCR Case Number: 06151374

The St. Tammany Parish School Board (STPSB, District, or recipient) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the STPSB 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 (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, to resolve the compliance concerns raised by the complainant's allegations.

A. ACTION ITEMS:

1. Section 504 and Title II Policies & Procedures:

- a. **By May 30, 2017**, the STPSB shall provide to OCR, for review and approval, a copy of the District's proposed **notice pursuant to Section 504**, specifically as mandated under 34 C.F.R. § 104.8. This notice will inform participants, beneficiaries, applicants, and employees that the STPSB does not discriminate on the basis of handicap; nor in the admission or access to, or treatment or employment in, its programs or activities; in violation of Section 504 or its implementing regulations. Further, this notice will include identification of the responsible employee(s) designated to coordinate the District's efforts to comply with Section 504 and its implementing regulations.
- b. **By May 30, 2017**, the STPSB shall provide to OCR, for review and approval, a copy of the District's proposed **notice pursuant to Title II**, specifically as mandated under 28 C.F.R. § 35.106. This notice will make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II and its applicability to the services, programs, and activities of the STPSB. Further, this notice will include the name, office address, and telephone number of the responsible employee(s) designated to coordinate the District's efforts to comply with Title II and its implementing regulations. This action item may be combined as the District sees fit with Action Item 1(a) of this Agreement.
- c. **By May 30, 2017**, the STPSB shall provide to OCR, for review and approval, a copy of the District's proposed **grievance procedures pursuant to Section 504 and Title II**, specifically as mandated under 34 C.F.R. § 104.7 and 28 C.F.R. § 35.107, respectively. These procedures will incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 or Title II. At a minimum, these grievance procedures will contain the following:

- i. Notice to students, parents/guardians, and employees of the procedures, including where complaints may be filed, that is easily understood, easily located, and widely distributed;
 - ii. Application of the procedures to complaints alleging discrimination carried out by employees, other students, and third parties;
 - iii. Adequate, reliable, and impartial investigation of complaints, including an equal opportunity to present witnesses and relevant evidence;
 - iv. Designated and reasonably prompt timeframes for the major stages of the grievance process, as well as the process for extending timelines;
 - v. Written notice to the parties of the outcome of the complaint;
 - vi. An assurance that the District will take steps to prevent recurrence of any discrimination and to correct any discriminatory effects on the complainant and others, if appropriate;
 - vii. An opportunity to appeal the findings; and
 - viii. A provision prohibiting retaliation against any individual who files a complaint or participates in the grievance process.
 - d. **Within thirty (30) calendar days** of receipt of OCR’s approval of the proposed notices and grievance procedures referenced in Action Items 1(a), 1(b), and 1(c) above, the STPSB shall **adopt** these revised Section 504 and Title II notices and grievance procedures, **and publish** or make such **notices and grievance procedures** available to applicants, participants, beneficiaries, and other interested persons (1) on its website; (2) in its student and parent handbooks, either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications; and (3) in any other such manner as the STPSB typically distributes its nondiscrimination notices, policies, and procedures.
2. Section 504 & Title II Training for Staff:
 - a. **By June 30, 2017**, the STPSB will **provide information to OCR in connection with an upcoming training session** regarding its obligation under Section 504 and Title II to provide a free appropriate public education (FAPE) to all qualified students with disabilities attending its schools, including its duty to fully implement students’ Individual Education Programs (IEPs) and, when it is established that a student with a disability receiving FAPE services has been bullied/harassed in any respect, its obligation to evaluate the student for the purpose of determining whether the effects of the bullying/harassing behavior have changed the student’s individual educational needs such that the student’s established IEP must be modified. The information must 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.

- b. **Within ninety (90) calendar days**, after OCR approves the training-based information described in Action Item 2(a) above, the STPSB will **conduct the training session** regarding its obligation under Section 504 and Title II to provide a FAPE to all qualified students with disabilities attending its schools, and its duty to fully implement students' IEPs, and, when it is established that a student with a disability receiving FAPE services has been bullied/harassed in any respect, its obligation to evaluate the student for the purpose of determining whether the effects of the bullying/harassing behavior have changed the student's individual educational needs such that the student's established IEP must be modified. The training must be provided to all relevant personnel, including, but not limited to, STPSB administrators, school administrators, faculty, and counselors. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to disability discrimination and retaliation. The training shall address, at a minimum, the STPSB'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 STPSB staff members' obligation to fully implement students' IEPs and, when it is established that a student with a disability receiving FAPE services has been bullied/harassed in any respect, its obligation to evaluate the student for the purpose of determining whether the effects of the bullying/harassing behavior have changed the student's individual educational needs such that the student's established IEP must be modified.

3. Individual Student Remedies:

- a. **Within sixty (60) calendar days** of receipt of written parental consent, the STPSB will, through a group of knowledgeable persons including the parent/guardian (hereinafter the "Committee"), **evaluate the Student** and determine the appropriate educational **placement** for [XXXX] consistent with the procedures listed in the regulation implementing Section 504 at 34 C.F.R. §§ 104.34 and 104.35, and in accordance with the provision of a FAPE.
- b. **Within sixty (60) calendar days** of receipt of written parental consent, if the Committee determines that the Student is a qualified individual with a disability, then the Committee will convene and determine what **regular or special education and related aids and services** are appropriate to meet the Student's individual educational needs as adequately as the needs of non-disabled persons are met. The STPSB will set forth the regular or special education and related aids and services in a written 504 plan or written IEP, and commence providing the services outlined in the 504 plan or IEP immediately.
- c. **Within thirty (30) calendar days** of receipt of written parental consent, after providing proper written notice to the Student's parent/guardian, a **group** of knowledgeable persons, including the parent/guardian, **will determine** whether the Student needs **compensatory and/or remedial services** if the District failed to provide appropriate regular and/or special education or related services during the

2014-2015 school year. If so, **within 1 week** 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 the **2017–2018 school year**. The District will provide the Student’s parent/guardian notice of the procedural safeguards including the right to challenge the group’s determination through an impartial due process hearing.

B. REPORTING REQUIREMENTS:

1. **Within thirty (30) calendar days** of the STPSB’s distribution of the adopted Section 504 and Title II **notice and grievance procedures** in accordance with Action Item 1(d), the STPSB will submit to OCR documentation evidencing that it has completed Action Item 1(d).
2. **Within thirty (30) calendar days** after conducting the **training session** in accordance with Action Item 2(b), the STPSB will provide OCR with documentation demonstrating that the training session has been completed, including a sign-in sheet containing the signatures and titles of all attendees, along with any other information indicating that the training session was conducted in accordance with the requirements of this Agreement.
3. **Within thirty (30) calendar days** of the execution of the Agreement, the STPSB will inform OCR whether the District received written consent to evaluate the Student. If the complainant does not provide written consent to evaluate the Student, the District will submit to OCR, for its review and approval, **documentation** evidencing the District’s **attempt(s) to request consent to evaluate** the Student and provision of this notice to the complainant, including informing the complainant of Section 504 rights and protections and FAPE provisions for the identification, evaluation, and placement of students; and the District’s obligation to evaluate any student who, because of disability, needs or is believed to need special education or related aids and services.
4. If written consent is provided, **within 2 weeks** of completion of the evaluation, the STPSB will submit to OCR, for its review and approval, **documentation which evidences its completion of a comprehensive Section 504 evaluation** of the Student and the District’s decision regarding the Student’s eligibility for services pursuant to Section 504, in accordance with Action Items 3(a) and 3(b). This documentation will include a copy of the 504 plan or IEP prepared for the Student, or if it is determined the Student is not eligible for services, documentation evidencing the evaluation and determinations made by the Section 504 committee or IEP team. In addition, the STPSB will submit to OCR, for its review and approval, documentation that notice of procedural safeguards was provided to the complainant.
5. **Within 2 weeks** of the decision as to whether **compensatory and/or remedial services** are needed in accordance with Action Item 3(d), the STPSB 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. OCR will, prior to approving the District’s decision and plan for providing the proposed services, review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

6. **Within 2 weeks** of the completion date of any **compensatory and/or remedial services** in accordance with Action Item 3(d), the STPSB will provide documentation to OCR, for its review and approval, documentation; the dates, times, and locations that compensatory and/or remedial services were provided; a description of what was provided; and the name(s) of the service provider(s).

C. GENERAL TERMS & PRINCIPLES:

The recipient understands that by signing the Agreement, it agrees to provide data and other information in a timely manner. Further, the recipient understands that, during the monitoring of the Agreement, OCR may visit the recipient, 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 and is in compliance with the statute(s) and regulations that were at issue in this case.

The recipient understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the recipient has fulfilled the terms of the Agreement and is in compliance with the statute(s) and regulations that were at issue in this case.

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

This Agreement does not constitute an admission by the STPSB that it discriminated or otherwise engaged in any wrongdoing. The District hereby voluntarily commits to these General Terms and Principles, and to the following Action Items and Reporting Requirements.

D. EXECUTION:

On behalf of the St. Tammany Parish School Board, I hereby agree to and voluntarily submit this Resolution Agreement to the U.S. Department of Education, Office for Civil Rights, Dallas Enforcement Office, and commit to the general terms, principles, action items, and reporting requirements contained herein.

/s/
Superintendent
St. Tammany Parish Public Schools

Date