

RESOLUTION AGREEMENT

St. John the Baptist Parish School Board (SJBPSB) OCR Complaint Number: 06-16-1090

The St. John the Baptist Parish School Board, Reserve, Louisiana, voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. The SJBPSB commits to taking the following actions to ensure that 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, as well as 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, are met with regard to Issue 1 presented in the above-referenced complaint. The SJBPSB hereby voluntarily commits to the following:

ACTION ITEMS

1. By no later than **August 15, 2017**, and in no event later than the beginning of the 2017-2018 school year, the SJBPSB will fully implement the Student's Section 504 Plan developed by a group of knowledgeable persons on October 27, 2015, or any subsequently revised Section 504 Plan developed for the Student.
2. By no later than **August 15, 2017**, the SJBPSB will provide training, by a qualified individual¹ to the Section 504/Title II Coordinator(s) administrators, teachers, and aides responsible for implementing and/or ensuring compliance with Section 504² at Lake Pontchartrain Elementary School. The training shall address, at a minimum:
 - (a) The SJBPSB's policies and procedures for carrying out its responsibilities under Section 504 and Title II to provide a free appropriate public education (FAPE) to each qualified disabled person who is within the SJBPSB's jurisdiction, regardless of the nature or severity of the person's disability;
 - (b) The SJBPSB's obligation to conduct an evaluation of any student who, because of disability, needs or is believed to need special education or related services before (1) taking any action with respect to the initial placement of the student in regular or special education and (2) any subsequent significant change in the student's placement, consistent with the Section 504 regulations, at 34 C.F.R. § 104.35;
 - (c) SJBPSB staff members' obligation to fully implement any Section 504 Plan that has been developed for a qualified student with a disability;

¹ A person knowledgeable about the laws and issues pertaining to the identification, evaluation and placement of students who are, or are believed to be, disabled.

² The Agreement uses Section 504 for brevity purposes; however, the Title II regulatory requirements are equally applicable.

- (d) The development of a system to ensure that Section 504 services related aids and services that are identified as necessary are implemented; and
- (e) The SJBPSB's obligation to effectively notify parents of (1) placement decisions, including re-evaluations, and (2) the SJBPSB's system of procedural safeguards, in accordance with the Section 504 regulations, at 34 C.F.R. § 104.36.

REPORTING REQUIREMENTS:

1. By **December 1, 2017**, and June 1, 2018, respectively, the SJBPSB will provide documentation evidencing that the Student's 504 Plan has been fully implemented, including documentation of the provisions of Student's 504 Plan by all SJBPSB personnel responsible for implementing the Plan, including Student's teachers and cafeteria staff.
2. By **August 30, 2017**, the SJBPSB will submit to OCR documentation demonstrating that it has timely completed Action Item 2 above. Specifically, the SJBPSB will provide to OCR the names of all individuals who attended the training session(s) provided pursuant to Action Item 2, the date(s) and time(s) the training session(s) occurred, the name(s) and credentials of the individual(s) who conducted the training session(s), and copies of the materials disseminated at the training session(s).

The SJBPSB understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the SJBPSB understands that during the monitoring of this Agreement, OCR may visit the SJBPSB, interview staff and students and request such additional reports or data as are necessary for OCR to determine whether the SJBPSB has fulfilled the terms of this Agreement and is in compliance with the regulations implementing 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. §§ 104.21 - 104.23, as well as 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. §§ 35.149-35.151, which were at issue in this investigation.

The SJBPSB understands that OCR will not close the monitoring of this Agreement until OCR determines that the SJBPSB has fulfilled the terms of this Agreement and is in compliance with the regulations implementing 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. §§ 104.21-104.23, as well as 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. §§ 35.149-35.151.

The SJBPSB 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.

Mr. Kevin George, Superintendent
St. John the Baptist Parish School Board

Date