



## RESOLUTION AGREEMENT

Orleans Parish School Board

OCR Case Number: 06-16-1307

### A. GENERAL TERMS & PRINCIPLES:

The Orleans Parish School Board (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 District commits to the following actions, consistent with the requirements of 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, to resolve the compliance concerns raised by the complainant's allegations.

### B. ACTION ITEMS & REPORTING REQUIREMENTS:

#### Action Item 1

By May 31, 2017, the District will develop and implement a documentation system to ensure that the related aids and services delineated in the Student's existing Section 504 Plan are communicated to the Student's teachers and are implemented as prescribed.

#### Reporting Requirement: Action Item1

By January 15, 2018, the District will submit for OCR's review a report evidencing that it developed and implemented the documentation system referenced in Action Item 2. This report should include, at a minimum:

- a. A narrative explaining the documentation system and how it is kept; and
- b. The documentation kept in accordance with the system demonstrating that the related aids and services delineated in the Student's 504 plan were communicated to his teachers and implemented as prescribed.

#### Action Item 2

By April 25, 2017, the District will convene a meeting of a group of knowledgeable persons, as defined by Section 504, to consider whether the Student needs compensatory and/or remedial services, such as tutoring or counseling, as a result of any failure on the part of the District to provide appropriate regular and/or special education or related services to the Student during the 2015-2016 school year. If the group determines that the Student needs compensatory and/or remedial services, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond December 31, 2017. 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.

## **Reporting Requirements: Action Item 2**

- B. Within 14 calendar days of the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include:
- a. A list of all participants in the meeting (including names, titles, role in the meeting, and whether or not the participant was a voting member of the group).
  - b. Records of all information considered during the meeting
  - c. Minutes or notes from the meeting
  - d. An explanation of the decisions made during the meeting
  - e. A description of and schedule for any compensatory and/or remedial services (if any) determined appropriate for the student
  - f. A copy of the written notification sent to the Complainant concerning the date and time of the meeting, and the right of the parent(s)/guardian(s) to attend, and proof of transmission to the Complainant (e.g.: email chain, certified mail and tracking receipt, etc.)

Prior to approving the District's decision and plan for providing the proposed services, OCR will 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.

- C. If compensatory and/ or remedial services are deemed necessary, by January 15, 2018, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided and how it was provided, and the names, titles, and contact information (telephone numbers and email addresses) of the service providers.

## **Action Item 3**

By June 30, 2017, the District will review and revise its current Section 504/Title II grievance procedures to ensure that all complaints received, whether verbal or written, alleging discrimination on the basis of disability, are appropriately investigated and responded to as required by Section 504 and its implementing regulations. The policies/procedures will ensure a prompt and equitable response and resolution of complaints alleging disability discrimination including responsive actions taken by the District to reasonably prevent recurrence and assure that students are not restricted in their participation or benefits. The District shall ensure that the revised policies/procedures include, but are not limited to the following provisions, which will:

- a. Notice that the procedures apply to complaints alleging disability discrimination by employees, students, or third parties;
- b. An explanation of how to file a complaint pursuant to the procedures;

- c. An explanation of the District's informal complaint procedure and that such procedure is optional;
- d. The name or title, office address, and telephone number of the individual with whom to file a complaint;
- e. The timeframes for the District to attempt to informally resolve a complaint;
- f. Definitions and examples of what types of actions may constitute disability discrimination;
- g. Provide for the adequate, reliable, and impartial investigation of all complaints, including the opportunity for the parties to present witnesses and other evidence;
- h. Timeframes for the major stages of the investigation, which typically takes three to ten calendar days, although the delay in the District's investigation may be longer in certain instances;
- i. An assurance that the District will keep the complaint and investigation confidential to the extent possible;
- j. Notification to the parties of the outcome of the complaint;
- k. Notice of the opportunity for the parties to appeal the findings;
- l. An assurance that the appeal will be conducted in an impartial manner by an impartial decision-maker;
- m. An assurance that the District will take steps to prevent recurrence of any discrimination, with examples of the range of possible disciplinary sanctions and the types of remedies available to address the discriminatory effects on victims and others; and
- n. A statement that Section 504/Title II prohibits retaliation against any individual who files a complaint under Section 504/Title II or participates in a complaint investigation.

**Reporting Requirements: Action Item 3**

- A. By July 14, 2017, the District will provide OCR, *for review and approval*, with copies of the revised policies referenced in Action Item 3.
- B. Within 14 calendar days after OCR's approval, the District will provide OCR with documentation evincing how the revised policy was disseminated to students and employees.

#### **Action Item 4**

By September 15, 2017, the District will ensure the school conducts mandatory training for all faculty, staff and administrators employed at the Ben Franklin Elementary School. The training will highlight and include a review of the District's revised Section 504/Title II grievance procedures referenced above, in Action Item 3. The training will also focus on the District's obligation to abide by the requirements of Section 504/Title II, as it relates to the provision of an appropriate education including the obligation of District staff members to fully implement any individualized education program (IEP) or Section 504 Plan that has been developed for a qualified student with a disability; and the prohibition of retaliation against any individuals exercising their rights under Section 504 and Title II. The training will be conducted by a person(s) knowledgeable about the requirements of Section 504/Title II.

#### **Reporting Requirements: Action Item 4**

1. By August 15, 2017, and prior to the training, the District will provide OCR, *for review and approval*, a copy of the training module and/or outline of the training materials that the District will utilize, the name, credentials and contact information for the person(s) who will conduct the training and a description and/or copy of the notification that the District will use to inform attendees of the mandatory training.
2. By September 30, 2017, the District will provide OCR with detailed information regarding the training of staff and the requirements of Section 504/Title II. The District will provide OCR with sign in sheets for all training sessions evidencing all staff who attended the training, the date, a copy of the training materials used, and the name, title, credentials and contact information for the person(s) who provided the training to comply with this Action Item.

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 District 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.

**C. EXECUTION:**

On behalf of the Orleans 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.

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**Dr. Henderson Lewis, Jr., Superintendent**  
Orleans Parish School Board

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Date