



RESOLUTION AGREEMENT

Tangipahoa Parish School Board
OCR Case Numbers: 06-14-1652 & 06-16-1403

A. GENERAL TERMS & PRINCIPLES:

OCR and the Tangipahoa Parish School Board (TPSB) enter into this agreement to resolve the allegations in the above-referenced complaints. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the TPSB. The TPSB 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 Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, 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. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

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

B. ACTION ITEMS & REPORTING REQUIREMENTS:

INDIVIDUAL REMEDIES:

Action Item #1:

By **May 25, 2018**, the TPSB will reimburse the complainant for the costs incurred for private tutors for the Student as a result of the TPSB's alleged failure to provide the services identified in the Student's individual education program during the 2014-2015 and 2015-2016 school years, in the amount of \$700.00.

Reporting Requirements Action Item #1:

By **June 1, 2018**, the TPSB will provide documentation to OCR evidencing the payment to the complainant to reimburse for the cost of private tutorials.

Action Item #2:

By **April 20, 2018**, TPSB will send the complainant a letter via regular mail and certified mail, return receipt requested, informing her that the Student may reenroll if he is eligible to do so and that, upon reenrollment, the TPSB will conduct an evaluation of the Student pursuant to Section 504, at 34 C.F.R. § 104.35.

Reporting Requirements: Action Item #2:

By **April 27, 2018**, the TPSB will provide OCR with documentation, including copies of certified letters, demonstrating that it has timely completed Action Item #2.

Action Item #3:

If the Student reenrolls in the TPSB prior to the conclusion of OCR's monitoring of this Agreement, **within thirty (30) calendar days of the Student's reenrollment**, the TPSB 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 as a result of any failure on the part of the TPSB to timely evaluate or reevaluate the Student pursuant to Section 504 or provide appropriate regular and/or special education or related services to the Student during the 2014-2015 and 2015-2016 school years. 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 **one hundred (100) calendar days from the date of the evaluation meeting**. The TPSB will provide the Student's parent(s)/guardian(s) notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements: Action Item #3:

- a. **Within forty-five (45) calendar days of the Student's reenrollment in the TPSB**, the TPSB will submit to OCR documents supporting the group's decision. The documentation submitted shall include:
 - i. 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);
 - ii. Records of all information considered during the meeting;
 - iii. Minutes or notes from the meeting;
 - iv. An explanation of the decisions made during the meeting;
 - v. A description of and schedule for any compensatory and/or remedial services (if any) determined appropriate for the Student; and
 - vi. A copy of the written notification sent to the Student's parent(s)/guardian(s) concerning the date and time of the meeting, and the right of the parent(s)/guardian(s) to attend, and proof of transmission (e.g., email chain, certified mail and tracking receipt, etc.).
- b. If compensatory and/or remedial services are deemed necessary, **within one hundred fifteen (115) calendar days of the date of the evaluation meeting**, the TPSB 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 #4:

If the Student reenrolls in the TPSB prior to the conclusion of OCR's monitoring of this Agreement, **within forty-five (45) calendar days of the Student's reenrollment** the TPSB will develop and implement a documentation system (e.g., have teachers initial a log with date of

implementation) to ensure that the related aids and services delineated in the Student's Section 504 plan are communicated to the Student's teachers and are implemented as prescribed.

Reporting Requirements: Action Item #4:

Within sixty (60) calendar days of the Student's reenrollment in the TPSB, the TPSB will submit for OCR's review a report evidencing that it developed and implemented the documentation system referenced in Action Item #4. This report should include, at a minimum:

- i. A narrative explaining the documentation system and how it is kept; and
- ii. 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.

TRAINING & PROFESSIONAL DEVELOPMENT:

Action Item #5:

Within thirty (30) calendar days after the TPSB receives written notification of OCR's approval of the training(s) described in this Action Item, the TPSB will conduct training 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 and Section 504's and Title II's prohibitions of disability discrimination and retaliation. The training(s) must be provided to all relevant TPSB personnel, including, but not limited to, principals, special education coordinators, Section 504/Title II coordinators, teachers, teacher's aides, counselors, and relevant administrators. The training(s) will be conducted by an individual or individuals knowledgeable about laws and issues pertaining to disability discrimination and retaliation, including the issues below, and must address, at a minimum, the following:

- i. Section 504's and Title II's prohibition of disability discrimination;
- ii. The TPSB's obligation to identify and evaluate all students within its jurisdiction who, because of disability, need or are believed to need regular or special education or related aids and services;
- iii. The TPSB's obligation to reevaluate a student's need for regular or special education and related aids or services when the Student has a significant change in placement;
- iv. The TPSB's policies and procedures for carrying out its responsibilities to evaluate a student pursuant to Section 504;
- v. The TPSB's obligation to abide by the requirements of Section 504 and Title II, as they relate to the provision of a FAPE, including the obligation of staff members to fully implement any individualized education program or Section 504 plan that has been developed for a qualified student with a disability; and
- vi. Instruction on what type of conduct constitutes retaliation under Section 504 and Title II.

Reporting Requirements: Action Item #5

- a. By **June 1, 2018**, the TPSB will provide OCR, for OCR's review and approval, the proposed training materials to be used and distributed during the training described in Action Item #5, including all speaker's notes, handouts, and PowerPoints (or other presentations), and the name, title, contact information, and qualifications of the trainer(s).
- b. **Within forty-five (45) calendar days after the TSPB receives written notification of OCR's approval of the training described in Action Item #5**, the TPSB will provide to OCR documentation demonstrating that relevant personnel have received that training, including the date(s) of the training; the names, titles, contact information, and qualifications of the trainer(s); a copy of all materials used and distributed during the training; and a sign-in sheet with the names and titles of individuals who attended the training.

C. EXECUTION:

The TPSB 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 TPSB understands that, during the monitoring of this Agreement, if necessary, OCR may visit the TPSB, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the TPSB has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. § 104.21, and Title II implementing regulation at 28 C.F.R. § 35.149. Upon completion of the obligations under this Agreement, OCR shall close and dismiss these cases.

The TPSB 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 TPSB 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 TPSB's representative below.

Superintendent or Designee's Name

Superintendent or Designee's Signature

Date