



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

1999 BRYAN STREET, SUITE 1620
DALLAS, TEXAS 75201-6831

RESOLUTION AGREEMENT
Ascension Parish School Board
OCR Complaint No. 06-17-1002

The U.S. Department of Education, Office for Civil Rights (OCR) and the Ascension Parish School Board (APSB) 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 APSB. The APSB assures 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. Section 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) 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.

Prior to the completion of OCR's investigation, the APSB requested to resolve the issues of this complaint pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this complaint, the APSB agrees to take the following actions.

A. ACTION ITEMS & REPORTING REQUIREMENTS:

Action Item 1

By **December 15, 2019**, the APSB will review its policies, procedures, and common practices for ensuring that students with disabilities are provided an equal opportunity to participate in field trips offered to students at XX--to end of sentence---XX. The APSB will make modifications as necessary to its current policies and practices XX---to end of sentence---XX.

Reporting Requirements: Action Item 1

By **January 6, 2020**, the APSB will provide documentation (i.e., a copy of revised policies and procedures) to OCR evidencing that Action Item 1 has been completed.

Action Item 2

By **December 15, 2019**, the APSB will ensure that its restraint and seclusion (exclusionary time out¹) policies and procedures are equitable to students with disabilities and that appropriate records regarding incidents of restraint and seclusion are maintained, monitored, analyzed, and where necessary, acted upon. The APSB will revise and/or develop its policies, procedures and protocols regarding the use of restraint and seclusion in APSB schools, giving consideration to the APSB's

¹ Exclusionary time-out is defined as the separation of the student from the rest of the class either through complete visual separation or actual physical separation.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

obligations to provide a FAPE to students with disabilities.² The APSB’s policies, procedures, protocols and practices regarding restraint and seclusion out will include:

- A. Maintaining a written policy to be followed whenever a student is physically restrained and developing a written protocol regarding the documentation of a) the use of seclusion with a student with a disability and b) of all seclusions, which set forth how the APSB will:
 1. Monitor reports regarding the manner, frequency, and specific duration (including beginning and end time) of the use of restraint and seclusion.
 2. Analyze the information on the manner, frequency, and duration of restraint or seclusion to determine whether an evaluation of the student’s behavior and the convening of an IEP team or Section 504 team meeting to evaluate a student, or to review and revise strategies in place for a student, are necessary.
 3. Ensure that a comprehensive plan of support is implemented for each student with a disability who is subjected to repeated³ restraint and/or the use of seclusion, to address identified behaviors, with the goal of eliminating or substantially reducing the use of restraint and/or exclusionary time out, including:
 - i. maintaining a data system for continuous monitoring of APSB staff’s implementation of each student’s plan, effects of interventions, and impact on student outcomes which will be used to improve the support being provided to the student;
 - ii. defining each student’s behavior in detail with observable precision (rather than conclusions such as “student is unsafe” or “required adult assistance to be safe”);
 - iii. determining whether all other appropriate alternative strategies have been identified and attempted, and the effectiveness of each alternative strategy; and
 - iv. requiring that all APSB staff working directly with the student are trained on implementing the plan of support.
 4. Provide prompt notification to parents/guardians of any instances of restraint and/ or exclusionary time out.

Reporting Requirements: Action Item 2

- a. By **January 6, 2020**, the APSB will provide OCR with the APSB’s revised restraint and seclusion policy and seclusion protocols, the APSB will submit documentation confirming that the revised restraint and seclusion policy has been officially adopted and implemented by the APSB. The APSB will also provide documentation confirming that the additional provisions relating to the use of restraint and seclusion and guidance regarding the convening of students’ 504 or IEP Teams consistent with Action Item 2 (A)(2) and (3) have been incorporated into the APSB’s Section 504 Manual.
- b. Within thirty [30] days of the APSB’s adoption and implementation of its revised policies and protocol, the APSB will provide OCR with (i) documentation of its revised restraint and seclusion policy and seclusion protocol and (ii) documentation demonstrating that the revised restraint and seclusion policy and seclusion protocol have been disseminated to staff and

² As provided at 34 C.F.R. Sections 104.33(a) and (b).

³ For purposes of this paragraph, the term “repeated” means three (3) instances of restraint and/or exclusionary time out exceeding 30 (thirty) minutes over an academic school year.

have been made publicly available to students, parents/guardians, and other interested parties.

- c. By **June 30, 2020**, the APSB will provide to OCR documentation of all restraints, seclusion of the Student for the 2019-2020 school year.

TRAINING & PROFESSIONAL DEVELOPMENT:

Action Item 3

By **December 1, 2019**, the APSB will conduct training regarding its obligation under Section 504 and Title II to provide a free appropriate public education to all qualified students with disabilities attending its schools and Section 504's and Title II's prohibitions of disability discrimination. The training must be provided to all relevant personnel XX---to end of phrase-- -XX, including, but not limited to, principals, special education coordinators, Section 504/Title II coordinators, teachers, teacher's aides, and counselors. The training will be conducted by a person or persons with expertise in FAPE and on the effect of repeated seclusion/restraint on students with disabilities that affect behavior, including autism. The training must address, at a minimum, the following:

- i. The APSB's obligation to fully implement any individualized education program or Section 504 plan that has been developed for a qualified student with a disability;
- ii. The APSB's policies and procedures regarding restraint and seclusion, including but not limited to addressing how repeated restraint and/or seclusion may result in a significant change in placement requiring a re-evaluation of the student involved, pursuant to 34 C.F.R. § 104.35(a).; and
- iii. The APSB's obligation to ensure that its programs and activities, including extracurricular activities, are made available to students with disabilities to the same extent as they are made available to students without disabilities.

Reporting Requirements: Action Item 3

By **December 15, 2019**, APSB will provide to OCR documentation demonstrating that relevant personnel have received the training referenced in Action Item 3, 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.

Action Item 4

By **October 30, 2019**, the APSB 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 APSB to provide appropriate regular and/or special education or related services to the Student during the XX---to end of sentence---XX. Further, the group will consider whether the repeated use of seclusion during XX---to end of phrase---XX, resulted in the denial of a FAPE (including consideration of any missed services and of the impact of repeated seclusion on the Student). 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 **July 15, 2020**. The APSB 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 4

- a. By **November 15, 2019**, the APSB 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);
 - 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 meeting and proof of transmission (e.g., email chain, certified mail and tracking receipt, etc.).

- b. If compensatory and/or remedial services are deemed necessary, by **July 15, 2020**, the APSB 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 5

By **October 30, 2019**, the APSB will develop and implement a documentation system to ensure that the related aids and services delineated in the Student's existing IEP are communicated to the Student's teachers and are implemented as prescribed.

Reporting Requirements: Action Item 5

By **November 15, 2019**, the APSB will submit for OCR's review a report evidencing that it developed and implemented the documentation system referenced in Action Item 5. This report should include, at a minimum:

- a. A narrative explaining the documentation system and how it is kept;
- b. The documentation kept in accordance with the system demonstrating that the related aids and services delineated in the IEP were communicated to his teachers and implemented as prescribed;
- c. A list of the Student's teachers;
- d. A copy of the Student's IEP for which implementation was tracked via the documentation system; and

B. EXECUTION:

The APSB 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 APSB understands that, during the monitoring of this Agreement, if necessary, OCR may visit the APSB, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the APSB has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulations at, 34 C.F.R. §§ 104.4, 104.33, 104.35 and 104.37; 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 and dismiss this case.

The APSB 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 APSB 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 APSB’s representative below.

Superintendent or Designee’s Name/Title

_____/s/_____
Superintendent or Designee’s Signature

Date