

Resolution Agreement
Tangipahoa Parish School Board
OCR Complaint #06-17-1404

OCR and the Tangipahoa Parish School Board (the School Board) enter into this resolution agreement (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 School Board. The School Board 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. 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), 42 U.S.C. Sections 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 School Board agreed to voluntarily resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the School Board agrees to take the following actions.

Action Item 1 – Training

The School Board will provide training regarding its obligation under Section 504 and Title II to provide a FAPE to all qualified students with disabilities residing within its jurisdiction and to promptly and equitably respond to allegations of harassment on the basis of disability. The training should be provided to all relevant personnel, including, but not limited to, School Board administrators, school administrators, and the faculty, staff, and counselors at the [XXXX XXXX XXXX] (the School). The training will be conducted by individuals knowledgeable about the laws and issues pertaining to disability discrimination. The training shall address, at a minimum:

- a) The manifestation determination requirements for students with disabilities when a potential change in placement is contemplated;
- b) The prohibition of harassment of students with disabilities, including physical or verbal harassment; and
- c) Proper methods (e.g. a cool-down period) for safely handling situations where a student with disabilities will not respond to faculty or staff instructions, or may pose a danger to themselves or others.

Reporting Requirement #1

- a) **Within 60 days** of the signing of this Agreement, the School Board will submit to OCR for review and approval, its proposal for complying with Action Item 1, above. Specifically, the School Board will provide to OCR the name(s) and credentials of the

individual(s) who it proposes to conduct the training session(s), and copies of the proposed materials the School Board intends to use at the training session(s).

- b) **Within 60 days** of OCR's approval of the individual(s) and materials referenced in Reporting Requirement 1(a), the School Board will provide the training listed in Action Item 1 above.
- c) **Within 30 days** of the completion of the training referenced in Reporting Requirement 1(b), the School Board will provide OCR with documentation demonstrating that it has timely completed Action Item 1 above. Specifically, the School Board will provide to OCR the names of all individuals who attended the training session(s) provided pursuant to Action Item 1, 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).

Action Item 2 – Compensatory Services

The School Board will offer to the parent(s) an opportunity to convene and participate in a meeting with a group of persons knowledgeable about the Student to determine whether compensatory and/or remedial services would be appropriate for the student as a result of any removals from school for more than ten (10) school days without a manifestation determination review during the 2016-2017 school year, and for any purported injuries resulting from alleged harassment of the Student on or about [X---end of sentence redacted---X]. The parents may attend this meeting in-person or via telephone.

Reporting Requirement #2

- a) **Within 60 days** after the signing of this Agreement, the School Board will submit to OCR a report documenting its efforts to invite the parent(s) to attend a meeting with a group of knowledgeable people to consider the student's possible need for compensatory services. If the parent(s) refuse to participate in such a meeting (including, but not limited to, failing to respond to reasonable efforts to schedule the meeting), the School Board will submit documentation evidencing its efforts and, upon acceptance by OCR, will have no further obligations under Action Item 2. If the parents are in agreement with and attend such a meeting, the School Board will submit to OCR a report documenting when a group of knowledgeable people (including the parent(s)) was convened to consider the student's possible need for compensatory services, and further, that the School Board met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, and 104.35, in making these determinations.
- b) **Within 30 days** of the decision as to whether the Student needs compensatory and/or remedial services, the School Board will submit to OCR documents supporting the

group's decision. The documentation submitted shall include the participants in the meeting, an explanation of the decision made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. The School Board shall also notify the Complainant, via certified mail, of its determination and the proposed services (if any), and provide a copy of the certified mail receipt.

Action Item 3 – Permanent Record

The School Board will remove any disciplinary actions causing a change in the Student's placement of 10 days or more, taken against the Student in the [XXXX XXXX] school year where no manifestation determination was previously conducted.

Reporting Requirement #3

- a) **Within 60 days** after the signing of this Agreement, the School Board will provide OCR with the Student's revised permanent disciplinary record, and with notations of what disciplinary actions were removed to satisfy Action Item 3.

The School Board understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II.

The School Board also understands that by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the School Board understands that during the monitoring of this agreement, if necessary, OCR may visit the School Board, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether School Board has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The School Board 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 proceeding to enforce this agreement, OCR shall give the School Board 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 School Board's representative below.

Mark Kolwe, Superintendent
Tangipahoa Parish School Board

Date