

**Resolution Agreement**  
**Zachary Community Schools**  
**OCR Complaint #06-17-1930**

OCR and the Zachary Community Schools (the District) 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 District. The District 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 District 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 District agrees to take the following actions.

**Action Item #1 – Training**

The District 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.. The training should be provided to all relevant personnel, including, but not limited to, District administrators, school administrators, faculty, staff, and counselors. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to disability discrimination. The training shall address, at a minimum: the requirements, importance, and methods of providing students with disabilities their entitled related aids and services necessary to meet their individual educational needs.

**Reporting Requirement #1**

- a) **Within 60 days** of the signing of this Agreement, the District will submit to OCR, for review and approval, its proposal for complying with Action Item 1 above. Specifically, the District 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 District 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 District 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 District will provide OCR with documentation demonstrating that it has timely completed Action Item 1 above. Specifically, the District 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 – Evaluation and Compensatory Services**

The District shall provide notice to the Complainant that the District will conduct an evaluation of the Student to identify the Student's need for special education or related aids and services, consistent with the Section 504 regulation at 34 C.F.R. §104.35, contingent upon re-enrollment of the Student in the District. The District shall also determine the Student's need for compensatory and/or remedial services as a result of the District's alleged failure to evaluate the Student and alleged failure to provide the Student with related aids and services necessary to meet the Student's educational needs (e.g., hard copy materials in lieu of [X---phrase redacted---X]) in the 2016-2017 school year.

Pursuant to Section 504, at 34 C.F.R. §104.35, the evaluation must be conducted by a group of persons who are knowledgeable about the Student, the meaning of the evaluation data, and placement options within the District. Prior to the conclusion of this evaluation, the District will provide the Complainant notice of the District's system of procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

### **Reporting Requirement #2**

- a) **Within 15 days** of the signing of this Agreement, the District will submit to OCR documentation evidencing whether the District provided notice to the Complainant and Student in accordance with Action Item 2.
- b) **Within 15 days** of receiving a response to the Complainant, the District will submit to OCR documentation evidencing whether the Complainant [X---phrase redacted---X], the scheduled date of the Student's evaluation.
- c) **Within 15 days** of any evaluation of the Student in accordance with Reporting Requirement 2(a), the District will submit to OCR documents reflecting the Section 504 evaluation and meeting, including documents that support the committee's evaluation decision. The documentation submitted shall include, at a minimum:
  - 1) Meeting minutes and related documentation indicating that the meeting occurred;
  - 2) The participants in the meeting,
  - 3) A copy of the document setting forth the related aids and services the committee determined to be necessary to meet the Student's individual needs; procedural safeguard notices provided to the complainant in accordance with Action Item 2;

- 4) An explanation of the decision made on the Student's need for compensatory and/or remedial services;
- 5) The information considered for this decision; and
- 6) A description of and schedule for providing any compensatory and/or remedial services (if any) to the Student.

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.

- d) **Within 30 days** of the completion of any compensatory and/or remedial services, [X--phrase redacted--X] the District will provide documentation to OCR of the dates, times and locations that the compensatory and/or remedial services were provided, a description of what was provided, and the names of the service provider(s).

The District 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 District 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 District understands that during the monitoring of this agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether District 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 District 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 District 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 District's representative below.

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Mr. Scott Devillier Superintendent  
Zachary Community Schools

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Date