

Resolution Agreement
St. Mary Parish School Board
OCR Complaint #06-18-1474

The U.S. Department of Education, Office for Civil Rights, (OCR) and the St. Mary Parish School Board (the District) enter into this resolution agreement (Agreement) to voluntarily resolve the above-referenced complaint. The District 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), 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 complaint under investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the District agrees to take the following actions.

Action Item #1 – Training

The District will provide training to all District school-level administrators, counselors, and all faculty and staff at the [XXXX XXXX] School (the School) and the St. Mary Parish Alternative Program (the Alternative Program) related to the District's obligations pursuant to Section 504 and Title II to provide a free and appropriate public education to all qualified students with disabilities residing within its jurisdiction. The training shall include, but not be limited to, evaluation of students reasonably believed to have a need special education or related services, requirements for evaluating students who need or are believed to need special education or related services when a significant change in placement is contemplated, and ensuring the provision of accommodations to students with disabilities pursuant to their needs. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to disability discrimination, as well as the evaluation and reevaluation of students who are or are believed to be disabled.

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.
- 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 – Compensatory Services

The District shall provide notice to the Complainant that the District will convene a group of persons knowledgeable about the Student (the Group) to identify the Student's potential need for compensatory and/or remedial services as a result of any or all of the following:

- 1) The District not evaluating the Student for [X---phrase redacted---X] in the 2017-2018 school year;
- 2) The Student's assignment to the Alternative Program in the 2017-2018 school year without conducting an evaluation for [X---phrase redacted---X] prior to the contemplated significant change in placement; and
- 3) The Student not receiving accommodations while attending the Alternative Program in the 2017-2018 school year.

Reporting Requirement #2

- a) **Within 60 days** of the signing of this Agreement, the District will submit to OCR documentation evidencing that the District provided notice to the Complainant, via certified mail (in addition to other methods), in accordance with Action Item 2.
- b) **Within 15 days** of the District convening the Group in accordance with Action Item 2, the District will submit to OCR documents reflecting the meeting, including documents that support the Group's decision. The documentation submitted shall include, at a minimum:
 - 1) Meeting minutes and related documentation indicating that the Group convened;
 - 2) The Group participants in the meeting;
 - 3) An explanation of the decision made regarding the Student's need for compensatory and/or remedial services;
 - 4) The information considered for the Group's decision; and
 - 5) A description of and schedule for providing compensatory and/or remedial services (if any) to the Student.
- c) **Within 30 days** of the completion of any compensatory and/or remedial services, 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).

Action Item 3 - Removal of Disciplinary Action from Student's Record

The District will remove from the Student's record, if applicable, any disciplinary actions in the 2017-2018 school year (e.g, referral to the Alternative Program) where the District failed to conduct an appropriate evaluation prior to a significant change in placement.

Reporting Requirement #3

- a) **Within 60 days**, the District will submit to OCR the student's revised disciplinary record, with notations of what disciplinary actions, if any, were removed to satisfy Action Item 3.

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 the Agreement. Further, the District understands that during the monitoring of the Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as necessary for OCR to determine whether the District has fulfilled the terms of the Agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the 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.

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This Agreement will become effective immediately upon the signature of the District's representative below.

Mr. Leonard Armato, Superintendent
Saint Mary Parish School Board

Date