

Resolution Agreement
Caddo Parish School Board
OCR Complaint No. 06181526

The U.S. Department of Education, Office for Civil Rights (OCR) and the Caddo Parish School Board (CPSB) enter into this resolution agreement (Agreement) to resolve Issues 1 and 2 in the above-referenced complaint. The CPSB 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.

This Agreement is not to be construed as an admission of liability by the CPSB, but only as a compromise settlement of disputed claims made in good faith to improve the school board's policies and procedures with respect to its Temporary Disability Accommodation Plan to better serve students with disabilities and comply with all applicable laws and regulations.

ACTION ITEM I

The CPSB will revise its Section 504 policies and procedures to reflect that the CPSB shall conduct an evaluation in accordance with the requirements of 34 C.F.R. § 104.35(b) of any person who, because of disability needs or is believed to need special education or related services regardless of any Temporary Accommodation Plan (TAP) or when during the calendar year an evaluation is determined necessary, before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant change in placement.

REPORTING REQUIREMENTS

By March 1, 2019, the CPSB will provide OCR, for its review and approval, a draft of its revised Section 504 policies as referenced in Action Item I above.

Within (60) days of OCR's approval of the amended Section 504 policies, the CPSB will provide documentation to OCR demonstrating it has implemented such policies. The documentation submitted to OCR will include the following: (1) printouts or a link to all online publications of the revised Section 504 policies; and (2) an e-mail from the CPSB superintendent or building principals to all CPSB Staff providing a copy of, or a link to, the revised Section 504 policies.

ACTION ITEM II

The CPSB will provide information to OCR in connection with a training session for all XX--- phrase redacted---XX teachers, counselors, administrators, and Section 504 coordinators (XX--- word redacted---XX Staff) regarding its obligations under Section 504 and Title II. The training will include policies and procedures relevant to requests for accommodations, Section 504

evaluations, how approved accommodation information is communicated to teachers, implementation of accommodations, and the provision of procedural safeguards. The training will be created by one or more individuals knowledgeable about the CPSB's obligations under Section 504 and Title II, and may be delivered to CPSB employees in an electronic format.

REPORTING REQUIREMENTS

By June 1, 2019, the CPSB must provide OCR, for its review and approval, information about the training described in Action Item II that includes, but shall not be limited to, the credentials of the individual(s) selected to conduct the training, a proposed plan for the training session (e.g., length of the training session, topics to be considered, etc.), and a description of the training materials to be used by the trainer(s) and/or provided to attendees during the training session.

Within sixty (60) calendar days after OCR approves the training-based information described in Action Item II, the CPSB will conduct the training session. The training must be provided to CMMS Staff as defined above.

Within ten (10) calendar days after conducting the final training session in accordance with Action Item II, the CPSB will provide OCR with documentation demonstrating the training session has been completed, including a list containing the printed name, signature, and title of each attendee, the materials used during the training, and any other information indicating that the training sessions were conducted in accordance with the requirements of this Agreement.

ACTION ITEM III

By **March 15, 2019**, after providing proper written notice to the Student's parent or guardian, the CPSB will convene a Section 504 committee meeting to determine whether the Student needs compensatory and/or remedial services as a result of the CPSB's alleged failure to evaluate the Student pursuant to Section 504 during the 2017-2018 school year. If the Section 504 committee determines 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 **May 30, 2019**. The District will provide the Student's parent or guardian notice of procedural safeguards including the right to challenge the committee's determination through an impartial due process hearing.

REPORTING REQUIREMENTS

Within ten (10) calendar days after the Section 504 committee's decision regarding the Student's need for compensatory and/or remedial services, the CPSB will submit documents supporting the group's decision to OCR. The documentation submitted will include documentation identifying the participants in the meeting, an explanation of decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services to the Student, if any. OCR will review the documentation to determine whether the CPSB has met the procedural

requirements of the regulation implementing Section 504, at 34 C.F.R. §§104.34, 104.35 and 104.36.

If the CPSB determines the Student is entitled to compensatory and/or remedial services, the CPSB will provide to OCR, by **June 30, 2019**, documentation of the dates, times, and locations that any compensatory and/or remedial services were provided. The documentation shall include a description of the services provided and the name(s) of the providers.

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

The CPSB further understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR will give the CPSB 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 CPSB’s representative below.

/s/

Dr. Theodis Lamar Goree, Superintendent
Caddo Parish School Board

Date