



RESOLUTION AGREEMENT
Saint Landry Parish School Board
OCR Case Number: 06-18-1687

The U.S. Department of Education, Office for Civil Rights, (OCR) and the Saint Landry Parish School Board (District or recipient) enter into this 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 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. § 794, and its implementing regulations at 34 C.F.R. Part 104; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulations at 28 C.F.R. Part 35. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance. Title II prohibits public entities from discriminating on the basis of disability. Section 504 and Title II also both prohibit retaliation.

Prior to the completion of OCR's investigation, the District agreed to resolve the issue of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issue of this investigation, the District agrees to take the following action.

A. ACTION ITEMS & REPORTING REQUIREMENTS:

SECTION 504 & TITLE II TRAINING:

Action Item 1 – Conduct Section 504/Title II Training for All Campus Staff

1. **By March 31, 2019**, the District will conduct staff training at the District's [XXXX XXXX] (Campus) regarding the District's responsibilities under Section 504 and Title II. The training must be provided to all staff at the Campus, including, but not limited to, administrators, faculty, and counselors. Additionally, the training will be conducted by individuals knowledgeable about the laws and issues pertaining to Section 504 and Title II, and may be delivered to District employees in an electronic format. At a minimum, the training will address the District's responsibilities to:
 - a. Provide a free and appropriate public education (FAPE) to qualified students with disabilities in the District's jurisdiction; which includes appropriately identifying, evaluating, and placing students who are believed to need or need special education and related services; and providing appropriate regular or special education and related aids and services; pursuant to the Section 504 and Title II implementing regulations respectively located at 34 C.F.R. §§ 104.33–104.35 and 28 C.F.R. § 35.130;
 - b. In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in 34 C.F.R. § 104.37(a)(2), ensure that persons with disabilities participate with non-disabled persons in such activities and services to the maximum extent

- appropriate to the needs of the person with a disability in question, pursuant to the Section 504 and Title II implementing regulations respectively located at 34 C.F.R. § 104.34(b) and 28 C.F.R. § 35.130;
- c. Take prompt and effective responsive action to address disability-based harassment, which is sufficient to constitute a hostile environment, and of which the District has or should have notice, pursuant to the Section 504 and Title II implementing regulations respectively located at 34 C.F.R. § 104.4 and 28 C.F.R. § 35.130;
 - d. Refrain from treating individuals differently on the basis of disability in the context of an educational program or activity without a legitimate, nondiscriminatory reason in a manner that interferes with or limits the ability of the individual to participate in or benefit from the services, activities, or privileges provided by the District, pursuant to the Section 504 and Title II implementing regulations respectively located at 34 C.F.R. § 104.4 and 28 C.F.R. § 35.130; and
 - e. Refrain from retaliating against individuals who raise complaints of discrimination, pursuant to the Section 504 and Title II implementing regulations respectively located at 34 C.F.R. § 104.61 and 28 C.F.R. § 35.134.

Reporting Requirements: Action Item 1

- a. **By December 31, 2018**, the District will provide OCR, for review and approval via email prior to conducting the training, information about the training described in Action Item 1 of this Agreement. This information will include, but not be limited to, a copy of all training modules, handouts, and materials that will be utilized during the training session(s); the name, credentials, and contact information of the individual(s) who will conduct the training; and a proposed plan/notification that the District will use to inform attendees of the mandatory training session(s) (e.g., topics to be discussed), which may be presented to District employees at multiple sessions.
- b. **Within sixty (60) calendar days** after OCR approves the training-based information described in Reporting Requirement (a) for Action Item 1 of this Agreement, the District will conduct the training, as approved by OCR, for all District staff at the Campus and will provide OCR with detailed information regarding the training. This information will include, but not be limited to, sign-in sheets for all training sessions evidencing all staff who attended the training; the date the training session(s) were conducted; a copy of the training materials used; and the name, credentials, and contact information of the individual(s) who provided the training to comply with Action Item 1.

Action Item 2 – Conduct Section 504/Title II Training for Staff Servicing the Student

- 2. **By March 31, 2019**, the District will conduct staff training for all Campus staff members who service the Student, including paraprofessionals and substitutes, regarding the District's responsibilities under Section 504 and Title II specific to the Student.¹ At a

¹ Appendix A, Subpart D of the implementing regulation at 34 C.F.R. §104.33 (b) states that the quality of the educational services provided to disabled students must equal that of the services provided to nondisabled students; thus, disabled students' teachers must be trained in the instruction of persons with the disability in question and

minimum, the training will address each of the conditions for which the District has most recently determined the Student to be a qualified individual with a disability pursuant to Section 504 and Title II. Further, the training will include behavior management strategies, techniques, appropriate interactions, and interventions for students with such conditions. Additionally, the training will review how Campus staff members who service the Student should appropriately document their provision of placements, aids, and services for the Student in order to meet the Student's individual educational needs. Finally, the training will be conducted by individuals knowledgeable about the laws and issues pertaining to Section 504 and Title II, and may be delivered to Campus staff in an electronic format.

Reporting Requirements: Action Item 2

- a. **By December 31, 2018**, the District will provide OCR, for review and approval via email prior to conducting the training, information about the training described in Action Item 2 of this Agreement. This information will include, but not be limited to, a copy of all training modules, handouts, and materials that will be utilized during the training session(s); the name, credentials, and contact information of the individual(s) who will conduct the training; and a proposed plan/notification that the District will use to inform attendees of the mandatory training session(s) (e.g., topics to be discussed), which may be presented to District employees at multiple sessions.
- b. **Within sixty (60) calendar days** after OCR approves the training-based information described in Reporting Requirement (a) for Action Item 2 of this Agreement, the District will conduct the training, as approved by OCR, for all Campus staff members who service the Student and will provide OCR with detailed information regarding the training. This information will include, but not be limited to, sign-in sheets for all training sessions evidencing all staff who attended the training; the date the training session(s) were conducted; a copy of the training materials used; and the name, credentials, and contact information of the individual(s) who provided the training to comply with Action Item 2.

INDIVIDUAL STUDENT REMEDIES:

Action Item 3 – Evaluate the Student pursuant to Section 504/Title II and Provide Services

3. **By January 31, 2019**, after providing proper written notice to the complainant, the District will convene a group of knowledgeable persons to evaluate the Student in accordance with Section 504/Title II. As part of its meeting, the group of knowledgeable persons will also determine whether the Student needs compensatory and/or remedial services with respect to how the Student's regular and/or special education or related aids and services were implemented by the District, and with respect to any disability-based harassment or different treatment the Student experienced, during the [XXXX-XXXX]

appropriate materials and equipment must be available. This requirement may be met through the full implementation of an Individualized Education Program (IEP) developed in accordance with the Individuals with Disabilities Education Act (IDEA).

school year. If so, **within 1 week** of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **June 2019**. The District will set forth the regular or special education and related aids, services, and placement in a written Section 504 Plan or written Individualized Education Program (IEP), and commence providing the services. The District will provide the complainant notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements: Action Item 3

- a. **By February 28, 2019**, the District will submit to OCR documentation which evidences its completion of a Section 504/Title II evaluation of the Student and the District's decision regarding the Student's eligibility for services pursuant to Section 504/Title II, including a copy of the Section 504 Plan or IEP prepared for the Student. In addition, the District will submit to OCR documentation that notice of procedural safeguards was provided to the complainant.
- b. **Within 2 weeks** of the decision as to whether compensatory and/or remedial services are needed in accordance with Action Item 3, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student.
- c. Following the adoption of any plans by the District in order to comply with Action Item 2 of this Agreement, the District will provide documentation to OCR that any compensatory and/or remedial services deemed necessary to meet the Student's individual educational needs have, in fact, been provided. Documentation of such implementation of compensatory and/or remedial services will be provided to OCR for each grading period, and **no later than 10 days after the end of each grading period remaining during the 2018–2019 school year**.

Action Item 4 – Offer to Provide Counseling to the Student

4. **By December 31, 2018**, the District will send the complainant a letter offering to provide District counseling services to address incidents of any alleged disability harassment the Student may have experienced at school during the [XXXX–XXXX] school year. The letter shall give the complainant a minimum of **ten (10) calendar days** to accept the counseling services. The counseling shall begin **no later than thirty (30) calendar days** after the complainant accepts the offer. The letter shall also state that the amount and duration of the counseling shall be determined by the counselor upon consultation with the Student.

Reporting Requirement: Action Item 4

- a. **By January 31, 2019**, the District shall provide OCR with a copy of the letter it sent to the complainant offering counseling services, along with information or documentation regarding whether the Parent accepted, rejected, or failed to respond to the counseling offer. If the offer was accepted, the District shall also provide OCR with the name and qualifications of the District counselor; and the dates of any scheduled counseling sessions.

B. GENERAL TERMS & PRINCIPLES:

The District 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 the District has fulfilled the terms of this Agreement. Upon the District's satisfaction of the commitments made under this 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 proceedings to enforce the Agreement, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

C. EXECUTION:

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

Printed Title & Name of Authorized District Official

Date

Signature of District Official