

# VOLUNTARY RESOLUTION AGREEMENT

Bienville Parish School Board

OCR Case Number: 06191301

The Bienville Parish School Board (BPSB) submits this Voluntary Resolution Agreement (Agreement) to the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the BPSB. The BPSB assures OCR that it will take the actions outlined in this Agreement to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 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. § 12132, and its implementing regulation, at 28 C.F.R. Part 35, which prohibit discrimination based on disability by recipients of Federal financial assistance from the Department and certain public entities, respectively.

Prior to the completion of OCR's investigation, the BPSB agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues under investigation, the BPSB agrees to the action items below.

## A. INDIVIDUAL STUDENT REMEDIES

### Action Item:

1. By **May 24, 2019**, the BPSB will ensure that a Section 504 committee of individuals knowledgeable of the Student identified in the above-referenced complaint, the Student's evaluation data, and placement options has been convened. The Section 504 committee will consider whether the Student is in need of any compensatory related aids and services as a result of the BPSB's failure to timely reevaluate the Student and failure to ensure that the accommodations identified as necessary for the Student as documented in the Student's Individual Accommodation Plan (IAP) have been provided for the Student during her enrollment at XXXX XXXX XXXX. If appropriate, the Section 504 committee will also develop a plan for the provision of compensatory services to the Student, including timeframes for the provision of compensatory services.

### Reporting Requirements:

- By **June 14, 2019**, the BPSB shall provide documentation to OCR evidencing that a Section 504 committee meeting has been convened pursuant to Action Item A1. The documentation shall include the BPSB's determination regarding whether the Student requires compensatory services, including information relied upon by the BPSB in reaching its determination. If applicable, the documentation shall also include the BPSB's plan, including timeframes, for the provision of compensatory services to the Student. OCR will review the documentation submitted to ensure that the BPSB 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 BPSB determines that the Student requires compensatory services, then by **December 13, 2019**, the BPSB shall provide documentation to OCR evidencing that any

compensatory services determined appropriate for the Student have been provided to the Student.

## **B. REEVALUATION PROCEDURES**

### **Action Item:**

1. By **May 24, 2019**, the BPSB will develop proposed policies and procedures which provide for the periodic reevaluation of students who, because of disability, have been identified by the BPSB as in need of related aids and services pursuant to Section 504. The procedures may be combined with the BPSB's policies and procedures for the evaluation and placement of students with disabilities generally. The BPSB will also designate an individual at XXXX XXXX XXXX who will be responsible for ensuring that students are reevaluated consistent with the BPSB's obligations under Section 504.

### **Reporting Requirements:**

- By **June 14, 2019**, the BPSB will provide OCR with its proposed policies and procedures – as referenced in Action Item B1 – for review and approval. OCR will respond with comments, if any, within 30 calendar days.
- By **September 6, 2019**, the BPSB will provide documentation to OCR to evidence that its OCR-approved policies and procedures for periodic reevaluation of Section 504 students have been published and disseminated to appropriate BPSB staff.
- By **June 5, 2020**, the BPSB will provide OCR with a list of all students at XXXX XXXX XXXX who, because of disability, have been identified as eligible to receive regular or special education or related aids and services, including those students receiving special education services pursuant to an Individual Education Program (IEP) developed in accordance with the Individuals with Disabilities Education Act (IDEA). The BPSB will provide the following information for each student identified:
  - a. The date the student was first identified as eligible for services (i.e., initial evaluation date);
  - b. The date the student's last IAP or IEP was developed and/or modified;
  - c. If different, the date a committee last convened to discuss the student's needs; and
  - d. The date the student's IAP or IEP will next be reviewed by a committee (i.e., "due date").

### C. STAFF TRAINING

1. By **August 30, 2019**, the BPSB shall ensure that appropriate XXXX XXXX XXXX staff receives training regarding the BPSB's obligations pursuant to Section 504 and Title II. The training will cover, at a minimum, the following:
  - a. The BPSB's obligations regarding the evaluation and placement of students with disabilities, including periodic reevaluation of students identified as eligible for 504 services;
  - b. The BPSB's obligation to provide a free appropriate public education (FAPE) to students with disabilities;
  - c. The BPSB's newly-established procedures for the periodic reevaluation of students with disabilities receiving 504 services; and
  - d. The BPSB's procedures for ensuring that the related aids and services identified in a student's IAP are being provided, including, but not limited to, procedures for ensuring that teachers/staff providing related aids and services to 504 students receive IAPs of students they will be responsible for serving, and procedures for documenting the provision of accommodations required pursuant to students' IAPs.

#### **Reporting Requirement:**

- By **August 2, 2019**, the BPSB will submit to OCR, for review and approval, the contents of the training proposed to be conducted for staff pursuant to Action Item C1. The BPSB will also provide the identity and qualifications of the individual who will provide the training. If OCR has any proposed revisions to the training contents, OCR will promptly notify the BPSB, no later than 20 calendar days after receiving the BPSB's report. If the BPSB does not receive a response from OCR within 20 calendar days, the BPSB may assume that OCR approves the training without revision(s).
- By **September 6, 2019**, the BPSB will submit to OCR documentation evidencing that the training required by Action Item C1 has been conducted. The documentation will include the date and time(s) the training was conducted, the identity of individuals attending the training by name and title, and a copy of the presentation materials.

### D. GENERAL PROVISIONS

The BPSB understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the BPSB understands that during the monitoring of this Agreement, if necessary, OCR may visit the BPSB, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the BPSB has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.33, 104.35, and 104.36, and Title II and its implementing regulation, at 28 C.F.R. § 35.130, which

were at issue in this case. Upon completion of the obligations under this agreement, OCR shall close and dismiss this case.

The BPSB 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 this Agreement, OCR shall give the BPSB 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 BPSB's representative below.

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**BPSB Superintendent or Designee**

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**Date**