

# VOLUNTARY RESOLUTION AGREEMENT

## Ouachita Parish School Board

OCR Case Number: 06191758

The Ouachita Parish School Board (OPSB) 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 OPSB. The OPSB 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 OPSB agreed to resolve certain issues identified for investigation in the above-captioned complaint pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the identified issues, the OPSB agrees to take the action items below.

### A. INDIVIDUAL STUDENT REMEDIES

#### Action Item:

1. By **February 7, 2020**, the OPSB will mail a letter to the complainant, via certified mail, return receipt requested.<sup>1</sup> The letter will notify the complainant that the OPSB is committed to complying with its obligation to provide a free appropriate public education (FAPE) to all students with disabilities who reside within the OPSB's jurisdiction. The letter will further notify the complainant that, should she choose to re-enroll Student 1 in the OPSB during the 2019-20 or 2020-21 school year(s), the OPSB will immediately convene a committee of persons knowledgeable about Student 1, Student 1's evaluation data, and placement options, and, pursuant to the procedural requirements set forth in Section 504's implementing regulations, the OPSB will re-evaluate Student 1 and determine whether, because of disability and/or the OPSB's alleged failure to provide Student 1 with agreed-upon services during the 2018-19 school year, Student 1 is in need of related aids and services and, if determined appropriate, compensatory related aids and services.

#### Reporting Requirement:

- By **March 6, 2020**, the OPSB will provide OCR with a copy of the letter mailed to the complainant, as referenced in Action Item A1. The documentation will also include a copy of the return receipt evidencing delivery to the complainant.

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<sup>1</sup> The identity of the complainant and Student 1 have previously been disclosed to the OPSB.

**Action Item:**

2. If the complainant accepts the OPSB's offer and re-enrolls Student 1 in the OPSB, the OPSB will convene a Section 504 committee and re-evaluate Student 1's needs, as explained in Action Item A1, above. If determined appropriate, the OPSB will develop a plan for the provision of services to Student 1 for the 2019-20 and 2020-21 school years, including timeframes for the provision of any agreed-upon compensatory services.

**Reporting Requirement:**

- If the complainant accepts the OPSB's offer and re-enrolls Student 1 in the OPSB *prior to the commencement of the 2020-21 school year*<sup>2</sup>, then by **September 4, 2020**, the OPSB will provide documentation to OCR evidencing that the OPSB has conducted the evaluation required pursuant to Action Item A2. The documentation provided to OCR shall include evidence of the appropriate related aids and services, including any agreed-upon compensatory services, that the OPSB has determined are necessary to meet Student 1's individual needs (e.g., Individual Accommodation Plan). OCR will review the documentation provided to ensure that the OPSB has, in reaching its determinations, met the procedural requirements of the regulations implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36.

**B. POLICIES AND PROCEDURES**

**Action Item:**

1. By **March 6, 2020**, the OPSB will review its policies and procedures relating to the evaluation (including re-evaluation) of students who, because of disability, need or are believed to need regular or special education and related aids and services. If determined appropriate, the OPSB will revise its procedures accordingly to ensure that the procedures will comply with 34 C.F.R. §§ 104.35 and 104.36, and include, at a minimum, the following:
  - a. A process for ensuring that the OPSB provides notice to parents/guardians of actions regarding the identification, evaluation, or educational placement of students who, because of disability, need or are believed to need related aids and services.
  - b. A process for ensuring that determinations regarding the provision of services to students with disabilities are made by a group of persons knowledgeable about the student, the evaluation data, and placement options, pursuant to 34 C.F.R. §§ 104.35 and 104.36.

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<sup>2</sup>Because Student 1 has previously been identified as a student with a disability by the OPSB, the OPSB's obligation to evaluate Student 1 to determine appropriate related aids and services for her may persist regardless of when Student 1 re-enrolls. For purposes of this agreement, however, the OPSB need only report to OCR if Student 1 re-enrolls within the timeframes stated in this agreement.

- c. A system of procedural safeguards that includes notice, an opportunity for parents/guardians to examine relevant records, an impartial hearing with opportunity for participation by the student's parent/guardian and representation by counsel, and a review procedure.

#### **Reporting Requirements:**

- By **June 5, 2020**, the OPSB will provide OCR with a copy of its policies and procedures relating to the evaluation and placement of students with disabilities pursuant to Section 504, for OCR's review and approval. OCR will respond with comments, if any, within **60 calendar days**.
- If the OPSB has determined that any revisions to its Section 504 policies are appropriate, then by **September 4, 2020**, the OPSB will provide OCR with documentation evidencing that the *OCR-approved* policies and procedures have been adopted by the OPSB and published and disseminated to all OPSB staff involved in the evaluation process.

#### **C. STAFF TRAINING**

1. By **September 4, 2020**, the OPSB shall ensure that all OPSB staff involved in the evaluation of students with disabilities receives training regarding the OPSB's obligations pursuant to Section 504 and Title II. The training will cover, at a minimum, the following:
  - a. The OPSB's obligations regarding the evaluation and placement of students with disabilities, including periodic reevaluation of students identified as eligible for 504 services;
  - b. The OPSB's obligation to provide a FAPE to students with disabilities;
  - c. The OPSB's procedures for the evaluation of students with disabilities receiving regular or special education and related aids and services; and
  - d. The OPSB'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 – including substitute teachers/staff – 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 **July 31, 2020**, the OPSB 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 OPSB 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 OPSB, no later than 20 calendar days after receiving the OPSB's report. If the

OPSB does not receive a response from OCR within 20 calendar days, the OPSB may assume that OCR approves the training without revision(s).

- By **September 25, 2020**, the OPSB 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 OPSB 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 OPSB understands that during the monitoring of this Agreement, if necessary, OCR may visit the OPSB, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the OPSB 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 OPSB 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 OPSB 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 OPSB's representative below.

/s/  
**Dr. Don Coker, Superintendent**  
**Ouachita Parish Schools**

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**Date**