

**Proposed Resolution Agreement
Spring Lake Park Schools
OCR Docket Number 05-13-1374**

In order to resolve OCR case number 05-13-1135 and to ensure its compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 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, 28 C.F.R. Part 35, Spring Lake Park Schools (District) agrees to take the following actions:

1. Within fourteen days of the date this agreement is signed, the District will convene a meeting of relevant District staff regarding Student A at the District's Westwood Middle School (School). The purpose of the meeting will be to determine: (1) whether and to what extent Student A failed to achieve the expected rate of academic progress due to any asserted non-implementation of her Section 504 Plan, and (2) whether and to what extent Student A requires compensatory educational or related services, including but not limited to academic services, as a result of any asserted failure to fully implement Student A's Section 504 Plan for the 2012-13 school year.
 - a. Should the District determine that compensatory educational or related services are warranted, the District shall notify the Complainant of that determination, and shall offer to begin providing the compensatory services immediately after the determination and complete the provision of services by the end of the June 6 2014.
 - b. Should the District determine that compensatory services are not required, the District shall provide the Complainant with documentation supporting the determination, including factors it considered in drawing this conclusion, the educational justification for the conclusion, and advise her of procedural safeguards, as set forth in the Section 504 regulation at 34 C.F.R. §104.36.

REPORTING REQUIREMENT: By April 18, 2014, the District will provide OCR with supporting documentation demonstrating its implementation of Item 1 of the Agreement, including but not limited to, a record of all correspondence between the District and the Complainant regarding the District's compliance with Item 1 of the Agreement.

2. By March 7, 2014, the District will provide training to all School teachers, licensed support staff, and administrative staff on the District requirements under Section 504. At a minimum, the training will address the Section 504 regulation at 34 C.F.R. § 104.4(a) and 34 C.F.R. § 104.33. The latter of which sets forth the District's obligation to provide a free appropriate public education (FAPE) to a student with a disability through the implementation of a Section 504 Plan.

REPORTING REQUIREMENT: By April 18, 2014, the District will submit a report to OCR with supporting documentation demonstrating that the training referenced in Item 2 of the Agreement has been provided. The District will also provide a copy of the materials used in the training.

3. By February 28, 2014, the District t will mail a letter to the Complainant notifying her and Student A that Student A is welcome to reenroll in the District, and indicate that the District will work with the Complainant collaboratively to develop, and fully implement, a Section 504 plan responsive to Student A’s needs.

REPORTING REQUIREMENT: By April 18, 2014, the District will submit a report to OCR with supporting documentation demonstrating its implementation of Item 3 of the Agreement. Specifically, the District will provide a signed copy of the above-referenced letter.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504 of the Rehabilitation Act of 1973 at 34 C.F.R. §§ 104.4 and 104.33 and the regulation implementing Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. §§ 35.130, which were at issue in this case.

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 and is in compliance with the regulation implementing Section 504 of the Rehabilitation Act of 1973 at 34 C.F.R. §§ 104.4 and 104.33, and the regulation implementing Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. §§ 35.130, which were at issue in this 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 this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

District’s Superintendent or Designee

Date