

Resolution Agreement
Rolette Public School District No. 29
OCR Docket # 05-15-1251

The Rolette Public School District #29 (District) voluntarily enters into this Resolution Agreement (Agreement) to ensure compliance with 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. §§ 12131-12134, and its implementing regulation at 28 C.F.R. Part 35, with respect to the allegation of disability discrimination raised in the above-referenced complaint. Specifically, the District has voluntarily agreed to resolve the allegation that it discriminated against Student A, based on disability (attention deficit hyperactivity disorder) by failing to provide him with a free and appropriate public education (FAPE) during the 2013-14 school year. By entering into this Agreement, the District does not admit any violation of Section 504 or Title II with regard to the allegation that it failed to provide Student A with a FAPE during the 2013-14 school year.

Training

1. Training: By October 30, 2015, the District will provide training to all School teachers, administrators, and school aides, and any other District personnel charged with supervising District students, on the Section 504 regulation at 34 C.F.R. §§ 104.4(a) and 104.33, which prohibit disability discrimination and require the District to provide a free and appropriate public education (FAPE) to each qualified person with a disability who is in the District's jurisdiction, regardless of the nature or severity of the person's disability. In addition, the District shall evaluate its staff's understanding of the training information and materials with a formal assessment. Thereafter, the District shall provide annual training to all District teachers, administrators, school aides, and any other District personnel charged with supervising District students on the Section 504 prohibition against discrimination and requirement to provide a FAPE.

REPORTING REQUIREMENTS: By November 15, 2015, the District will provide to OCR documentation describing the trainings it has provided to School teachers, administrators, aides, and other District personnel, including sign-in sheets, agendas, all materials distributed, a copy of the assessment instrument, and a narrative summary of the results of the evaluation.

Individual Remedies

2. FAPE. By October 30, 2015, after providing proper written notice to Student A's legal guardian, the District will convene a group of knowledgeable persons to determine whether Student A was denied a FAPE during the 2013-14 school year as the result of any failure to implement Student A's Section 504 plan. If the group determines that Student A was denied a FAPE during the 2013-14 school year, it shall determine whether Student A is in need of compensatory and/or remedial services as a result of the District's denial of FAPE, including any changes to or modification of Student A's grades and/or

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transcripts. In addition, the District will provide Student A's legal guardian with notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIREMENT: By November 15, 2015, the District will report the results of the group's determination regarding the provision of any compensatory and/or remedial services for Student A. The District shall provide OCR with a copy of the notice provided to Student A's legal guardian, documentation showing the participants in the meeting, a narrative statement providing an explanation for the group's decisions, a description of the information that the group considered, a description of and, if applicable, a schedule for providing any compensatory and/or remedial services to Student A, and documentation that the District provided the procedural safeguards to Student A's legal guardian. Prior to approving the proposed services, OCR will review the documentation to ensure that the group met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making its determination.

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 regulations implementing Section 504 at 34 C.F.R. §§ 104.4(a) and 104.33, which were at issue in this case.

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 regulations implementing Section 504 at 34 C.F.R. §§ 104.4(a) and 104.33, 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 sixty (60) calendar days to cure the alleged breach.

For the District

Date