

Resolution Agreement
#05-15-1325
Independent School District No. 720, Shakopee, Minnesota

Independent School District No. 720, Shakopee, Minnesota (the District) submits the following Agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to ensure its 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. § 12132, and its implementing regulation at 28 C.F.R. Part 35, with respect to the allegations raised in the above-referenced complaint. This Agreement is submitted in accordance with, and pursuant to, Section 302 of the OCR's Case Processing Manual. The District agrees to take the following actions:

Procedures

1. By May 1, 2016, the District will develop procedures to ensure that when a student transfers from one school to another in the District, the receiving school has sufficient information about the student's needs to provide an appropriate education to the student. The p procedures will specify that the receiving school will implement students' existing Section 504 plans as provided for in such plans until such time as the plans, or any one of them are, as appropriate, amended, modified or discontinued by the new school's Section 504 team.

REPORTING REQUIREMENT: By May 15, 2016, the District will submit its procedures to OCR for review and approval.

2. Within 15 calendar days of written notification of OCR's approval of the procedures developed in accordance with Item 1, the District will implement the procedures and will provide written notification of such to District personnel who serve Section 504 students with disabilities and to parents of Section 504 students.

REPORTING REQUIREMENT: By July 1, 2016, the District will provide OCR with documentation that it has implemented Item 2, including copies of the written notices.

Staff Training

3. By September 1, 2016, the District will provide training to all administrators, teachers, and other relevant staff, regarding the procedures referenced in Item 1. The training will specifically inform administrators and staff of the procedures regarding the implementation of Section 504 plans of newly received students to ensure that the Section 504 plan is implemented.

REPORTING REQUIREMENT: By September 16, 2016, the District will provide OCR with documentation that it has provided the training referenced in this item, including the dates of the training, the names and titles of the trainer(s), a copy of materials used or distributed during the training, and a sign-in sheet with the names and titles of the staff who attended the training.

Student-Focused Remedies

4. The District will take the following actions with respect to Student A:
 - a. By January 29, 2016, the District will convene a case conference meeting to review whether Student A is entitled to compensatory educational services due to the District's failure to implement Student A's Section 504 plan during the 2014-2015 school year. Case conference attendees shall include a group of individuals knowledgeable about Student A's disability, including, but not limited to, Student A's parent(s), at least one general education teacher(s) and at least one District representative. At the meeting, the District will provide Student A's parent(s) with a copy of the District's Notice of Procedural Safeguards, Grievance and Hearing Procedures. If the case conference team determines that Student A is entitled to compensatory services, the team will also determine what services are appropriate and will develop a plan to provide such services during the spring 2016 semester.

REPORTING REQUIREMENT: No later than January 31, 2016, the District will submit to OCR documents supporting the group's decision, reached pursuant to Item 4.a., above. The documentation shall include the names and titles of participants in the meeting, an explanation for decisions made, the information considered, and if applicable, the plan to provide such services during the spring 2016 semester.

Student-Focused Remedies, continued

5. Within one (1) week of OCR's approval of the District's plan to provide compensatory educational services to Student A, or the District's decision that Student A is not entitled to compensatory educational services, the District shall:
 - a. Notify the parent(s) of Student A in writing of its decision and the basis for the decision. If the District determines that Student A is entitled to compensatory educational services, the District shall begin providing such services within the one (1)-week period.

REPORTING REQUIREMENT: If applicable, by July 1, 2016, the District shall provide documentation to OCR setting for the dates, times and locations that compensatory educational services were provided to Student A, a description of what was provided, and the name(s) of the service provider(s).

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 employees 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. §§ 104.33 and 104.37 and Title II at 28 C.F.R. § 35.130(a), 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. §§ 104.33 and 104.37 and Title II at 28 C.F.R. § 35.130(a), 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 or judicial proceedings to enforce the specific terms and obligations of 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.

Approved and agreed to on behalf of Independent School District No. 720:

Superintendent or Designee

Date