

Resolution Agreement
#05-16-1231
Spring Lake Park Schools, Minnesota

Spring Lake Park Schools (the District) submits the following Resolution 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 OCR complaint #05-16-1231. This Resolution 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 December 1, 2016, the District the District will develop and submit to OCR for approval, policy and procedures providing that the District shall provide a free appropriate public education in the least restrictive environment and necessary related services to all children with disabilities enrolled in the District, as required by Section 504 of the Rehabilitation Act of 1973 and the American's with Disabilities Act. These policies and procedures shall include the contact information (name or title, address, telephone number and email address) of the individual responsible for the District's Section 504 compliance. The policy and procedures may also include provisions related to providing a free appropriate public education to students with disabilities as required under the Individuals with Disabilities in Education Act (IDEA). The procedures shall include provisions to ensure that all staff within the District, including substitute teachers, receive sufficient information to implement Section 504 plans and provide an appropriate education to each student. The procedures will specify that District staff are obligated to implement Section 504 plans as written, until such time as the plans are, as appropriate, amended, modified or discontinued by the Section 504 team. The procedures will also include a provision prohibiting District staff and employees from retaliating against an individual for the purposes of interfering with any right or privilege secured by Section 504 of the Rehabilitation Act (Section 504) or Title II of the Americans with Disabilities Act (Title II).

REPORTING REQUIREMENT: By December 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 parents of students with Section 504 plans and to all District teachers, aides, assistants, administrators, and other personnel who serve students with Section 504 plans.

REPORTING REQUIREMENT: By March 1, 2017, the District will provide OCR with documentation that it has implemented Item 2, including copies of the written notices.

Staff Training

3. By June 1, 2017, the District will provide training to all District teachers, aides, assistants, administrators, and other personnel who serve students with Section 504 plans, regarding the procedures referenced in Item 1. The training will specifically inform trainees of the prohibitions against retaliating against any individual who is attempting to secure or has secured any right or privilege guaranteed by Section 504 or Title II.

REPORTING REQUIREMENT: By June 15, 2017, the District will provide OCR with documentation that it has provided the training referenced in Item 3, 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 November 1, 2016, the District will convene a case conference 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 2016-2017 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 conference, 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 not to extend beyond the 2016-17 school year.

REPORTING REQUIREMENT: No later than December 15, 2016, the District will submit to OCR for approval a copy of the case conference minutes or similar documentation from the conference, including an explanation for decisions made. If it is determined that Student A is entitled to compensatory educational services, the District will submit to OCR a description of and schedule for providing any compensatory services to Student A. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

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 June 15, 2017, the District shall provide documentation to OCR setting forth 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 Resolution Agreement. Further, the District understands that during the monitoring of this Resolution 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 Resolution 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 Resolution Agreement until OCR determines that the District has fulfilled the terms of this Resolution 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 Resolution Agreement. Before initiating administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Resolution Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Approved and agreed to on behalf of Spring Lake Park Schools:

Superintendent or Designee

Date