

**Resolution Agreement
Lake Park Audubon Schools
OCR Docket Number 05-17-1112**

In order to resolve OCR case number 05-17-1112 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, Lake Park Audubon Schools (District) agrees to take the following actions:

Definition

As used in this Agreement, the term “harassment” includes but is not limited to the use of derogatory language, intimidation, and threats, unwanted physical contact and/or physical violence, and the use of images in graffiti, pictures or drawings, notes, e-mails, and/or phone messages, based on disability.

Action Steps

Staff Training

1. By December 1, 2017, the District will provide appropriate training to staff at the District’s Lake Park Audubon High School (School) on the topics of: 1) the requirements of Section 504/Title II as it pertains to the ability of students with disabilities (including food allergies) to participate in District programs and activities, including the process by which parents/students can request accommodations in order to participate; 2) Section 504/Title II’s retaliation prohibitions as they pertain to parent/guardian advocacy for a disabled student’s right to participate in District programs and activities; and 3) applicable District policies.
2. By December 1, 2017, the District will provide training to all relevant School staff (including all School teachers) on the topics of: 1) proper use of an Epi Pen in an allergic reaction situation; and 2) how to recognize and respond to symptoms of an allergic reaction.

REPORTING REQUIREMENT: By December 8, 2017, the District will submit a report to OCR with supporting documentation demonstrating that the training referenced above in this agreement has been provided. The District will also provide a copy of the materials used in the training.

Student Focused Remedies

3. By October 6, 2017, the District will investigate the complaint of disability-based harassment made by the Complainant and Student A against Teacher A on December 8, 2016, in accordance with the District’s anti-harassment policies. If, at the conclusion of the investigation, the District determines that Student A was subjected to harassment on the basis of disability, the District will take

appropriate disciplinary action against Teacher A. If suitable, the District will also offer Student A counseling services, tutoring or other appropriate services.

REPORTING REQUIREMENT: By October 13, 2017, the District will provide OCR with a report demonstrating that the investigation required by item 3 of this Agreement has been completed. The District will provide a copy of any findings made and a description of any remedial actions taken, if applicable. The District will also provide OCR a copy of the notification of outcome it provided to the Complainant.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that, during the monitoring of this Agreement, 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 Title II implementing regulation at 28 C.F.R. § 35.130(a), and the Section 504 implementing regulation at 34 C.F.R. §104.4(a) and 34 C.F.R. § 104.7(b), 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 Title II implementing regulation at 28 C.F.R. § 35.130(a), and the Section 504 implementing regulation at 34 C.F.R. §104.4(a) and 34 C.F.R. § 104.7(b), 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 sixty (60) calendar days to cure the alleged breach.

The District makes no admissions of wrongdoing or violations of law in entering into this Resolution Agreements.

Approved and agreed to on behalf of Lake Park Audubon Schools.

Dale Hogie
Superintendent
Lake Park Audubon School District

Date