

RESOLUTION AGREEMENT
OCR Docket #05-18-1286
Minneapolis Public School District #1

The Minneapolis Public School District 1 (District) enters into this Resolution Agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with the requirements of 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, which prohibit discrimination on the basis of disability in any education program or activity operated by a recipient of Federal financial assistance from the Department of Education.

I. Student Remedies

For each student placed in the XXXXXXXXXXXXXXXX during the 2017-18 school year (affected students) who remains enrolled in a District school who did not participate in a field trip to XXXXXXXXXXXXXXXXXXXX, the District will send a letter to the student's parents informing the parents that their child is eligible to participate in field trips and extra-curricular with his/her general education peers to the maximum extent possible consistent with the terms of the child's Individualized Education Plan (IEP). The letter will specify that the student's IEP team will consider, at its next regularly scheduled meeting, or sooner if requested by the parents, the extent of the student's participation in field trips and extra-curricular activities offered to the student's general education peers.

REPORTING REQUIREMENTS: By December 31, 2018, the District will submit to OCR a copy of the letter sent to each parent in accordance with Item I above.

II. Student A remedy

In the event that Student A re-enrolls in a District school before the end of December 2018, the District will, within four (4) weeks of Student A's re-enrollment, convene a meeting of Student A's IEP team (including Student A's parent(s)) to determine Student A's participation in future field trips and extra-curricular offered to his general education peers to the maximum extent possible. The team will consider the fact that Student A should not be excluded from future field trips and extracurricular activities available to his general education peers absent an individualized determination by Student A's IEP team that the activity is not appropriate for Student A's participation.

REPORTING REQUIREMENTS: Within four weeks of Student A’s re-enrollment in a District school (or by no later than December 31, 2018), the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referenced in Item II above, including an explanation of the determination made by the team regarding the inclusion of Student A in future field trips and extra-curricular activities to the maximum extent appropriate based on his needs. 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.

III. Training

During the next regularly scheduled training or meeting of School staff, the District will provide training to the School administrators responsible for overseeing field trips and extracurricular activities, as well all individual staff who may have been involved in the decision to limit participation of the XXXXXXXXXXXXXXXXXXXX. The training will address the requirements of the regulation implementing Section 504 at 34 C.F.R. § 104.4(a) with respect to ensuring that students with disabilities are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination on the basis of disability, and 34 C.F.R. § 104.34(b)(1)(i) with respect to ensuring that students with disabilities participate in non-academic and extracurricular activities with their non-disabled peers to the maximum extent appropriate to the needs of the individual student.

REPORTING REQUIREMENTS: By December 31, 2018 the District will provide documentation to OCR that it has implemented the terms of Item III of the Agreement, including the name, title and credentials of the trainer, a copy of all training materials and a copy of the sign-in sheet depicting the names and job titles of the training attendees at the School.

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. Upon the District’s satisfaction of the commitments made under the Agreement, OCR will close the 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.

This Agreement will become effective immediately upon the signature of the District’s representative below:

Name and Title

Date