

Resolution Agreement
#05-20-1226
Mahnomen (MN) Public Schools

Mahnomen Public 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 #05-20-1226. 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 **September 30, 2020**, the District will develop, update and/or amend its policies and procedures addressing the provision of special education and related services to students with disabilities, as required by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. These policies and procedures shall include, at a minimum, the following:
 - a. Assurance that the District will provide a free appropriate public education in the least restrictive environment to all students with disabilities enrolled in the District;
 - b. Contact information (name or title, office address, telephone number and email address) of the individual responsible for the District's Section 504 compliance;
 - c. A provision 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;
 - d. A provision to ensure the timely distribution of copies of Section 504 plans to parents and relevant staff members;
 - e. A provision to ensure implementation of Section 504 plans as written, until such time as the plans are, as appropriate, amended, modified or discontinued by the Section 504 team; and
 - f. 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).

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).

REPORTING REQUIREMENT: By October 15, 2020, the District will submit its policy and procedures to OCR for review and approval.

2. At the next regular meeting of the District's School Board after the District receives written notification of OCR's approval of the policy and procedures developed in accordance with Item 1, the School Board will review and, if acceptable, approve any new or amended policy. If the School Board does not approve of the new or amended policy approved by OCR, the District will contact OCR within three business days to discuss any requested revisions. If the School Board approves of the new or amended policy, within 15 calendar days of approval, the District will implement the policy and 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: Within thirty calendar days of the School Board adopting the new or amended policy, the District will provide OCR with documentation that it has implemented Item 2, including copies of the written policy and procedures and a link to them if they are published on a website.

Staff Training

3. By **October 31, 2020**, the District will provide training to all District administrators, counselors, deans, teachers, aides, assistants, administrators, and other personnel who serve students with Section 504 plans, regarding the procedures referenced in Item 1. Training would specifically include legal requirements of complying with Section 504 such as: child find obligations, identifying students who may be eligible, conducting Section 504 evaluations, determining eligibility for Section 504, developing accommodations, drafting Section 504 plans, implementing 504 plans, and reviewing 504 eligibility and accommodations. Because of ongoing concerns regarding COVID-19, the District may conduct such training online.

REPORTING REQUIREMENT: By **November 15, 2020**, 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.

4. Prior to the first day of school in the fall of 2020, the District will send a communication to all staff who have direct contact with students about the requirements of Section 504. This communication will include, at minimum, reminders regarding compliance with existing Section 504 plans and the process for referring students for evaluation under Section 504.

REPORTING REQUIREMENT: By **October 15, 2020**, the District will provide OCR with documentation that it has implemented Item 4, including a copy of communication sent to staff and a list of staff on the recipient list.

Student-Focused Remedies

5. The District will take the following actions with respect to Student A:
 - a. By **September 30, 2020**, the District will convene a case conference to review whether Student A is entitled to compensatory educational services due to Student A's lack of a formalized Section 504 plan during the fall of 2019. 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 2020-2021 school year.

REPORTING REQUIREMENT: No later than **October 15, 2020**, 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.

6. 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 one (1) week of its written decision.

REPORTING REQUIREMENT: If applicable, by **October 15, 2020**, and if services extend into the 2020-2021 school year, by **July 1, 2021**, 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 Mahnomen Public Schools.

Authorized Representative

Date