

**Resolution Agreement
Minneapolis Public School District #1
OCR #05-13-1363**

The Minneapolis Public School District #1 (District) agrees to resolve the allegation of discrimination on the basis of disability contained in complaint #05-13-1363 filed with the U.S. Department of Education, Office for Civil Rights (OCR), on October 17, 2013. The District submits this Resolution Agreement (Agreement) to ensure 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. § 12131, and its implementing regulation, 28 C.F.R. Part 35, with respect to the allegation of disability discrimination raised in OCR complaint # 05-13-1363.

The District agrees to take the following action:

1. By **May 23, 2014**, the District will send written notice to the Complainant inviting her to a Section 504 meeting, which will be held no later than **June 6, 2014**. The notice shall comply with the implementing regulation of Section 504 at 34 C.F.R. § 104.36.
2. By **June 6, 2014**, the District will convene a Section 504 meeting, to which the Complainant must have been invited, and will include a group of persons knowledgeable about Student A, the evaluation data, the classes Student A took during the 2012-13 school year, the strategies previously attempted with Student A, and available placement options, to determine the extent to which Student A was affected in her education as a result of the District's failure to comply with the requirements of Student A's November 6, 2012 Section 504 Plan.
 - a. If it is determined that Student A did not achieve the expected rate of progress due to the District's failure to comply with Section 504, the group will develop a plan for providing compensatory and/or remedial services, if any, with a completion date not to extend beyond **November 28, 2014**.
 - b. Should the District determine that its failure to comply with Section 504 did not affect Student A's expected rate of progress, and thus no compensatory educational services are required, the District shall supply a justification for its determination, including factors it considered in drawing this conclusion and the educational justification for the conclusion.

REPORTING REQUIREMENTS:

By **June 13, 2014**, the District will submit to OCR a copy of the written notice inviting the Complainant to the Section 504 meeting referenced in Item 1. Also by **June 13, 2014**, the District will submit to OCR a copy of the meeting minutes or similar documentation from the Section 504 meeting referenced in Item 2; including an explanation for decisions made, and if applicable, a description of and schedule for providing any compensatory and/or remedial services to the Student. 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.

By **December 19, 2014**, the District will provide documentation to OCR of the dates, times, and locations that any compensatory and/or remedial services were provided, and the name(s) of the service provider(s).

3. By **September 12, 2014**, the District will train the faculty and staff of Marcy Open School who are responsible for developing and/or administering Section 504 Plans for students. The training will address the District's obligation under Section 504 and Title II to provide a free appropriate public education (FAPE) to qualified students with disabilities. The training shall be conducted by individuals knowledgeable about the laws and issues pertaining to the identification, evaluation and placement of students who have or are believed to have disabilities. At a minimum the training shall cover:
 - a. The District's policies and procedures for carrying out its responsibilities under Section 504 and Title II to provide a FAPE to qualified students with disabilities;
 - b. The District's policies and procedures for evaluating and reevaluating qualified students with disabilities in accordance with Section 504 at 34 C.F.R. § 104.35;
 - c. The District's obligation to ensure that a student's Individualized Education Plan (IEP) or Section 504 Plan is fully implemented;
 - d. The District's obligation to respond timely to a parent's request to convene an IEP or Section 504 team meeting, a parent's request to modify a student's IEP or Section 504 Plan, or reports that a student's IEP or Section 504 Plan has not been implemented, in accordance with Section 504 at C.F.R. §§ 104.33, 104.35 and 104.36.

REPORTING REQUIREMENT:

By **September 17, 2014**, the District shall provide OCR documentation demonstrating its implementation of Item #2. Specifically, the District will provide OCR the names of all staff members responsible for developing and/or administering Section 504 Plans, the names of individuals who attended the training session(s), sign-in sheet(s) for the training session(s), the date(s) and time(s) the training session(s) occurred, the name(s) and credentials of the individual(s) who conducted the training session(s), and copies of the agenda and other materials disseminated at the training sessions.

The District also acknowledges 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 and is in compliance with the regulation implementing Section 504 at 34 C.F.R. §§ 104.33, 104.35, 104.36 and 104.61, which is 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 (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR will give the District written notice of the alleged breach and a minimum of 60 calendar days to cure the alleged breach.

Approved and agreed to on behalf of the District by:

For the District: _____

Date: _____