

RESOLUTION AGREEMENT
Auburn City School District
OCR Docket # 04-20-1469

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and Auburn City School District (District) enter into this resolution agreement (Agreement) to resolve the allegations in 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), as amended, 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. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the District voluntarily agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issues which OCR opened for investigation in OCR Complaint Number 04-20-1469, the District voluntarily agrees to take the following actions:

ACTION ITEM 1:

By April 12, 2021, consistent with the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, and after providing proper written notice to the Student's parent/guardian, a group of knowledgeable persons, including the parent/guardian if the parent/guardian chooses to participate, will determine whether the Student needs compensatory and/or remedial services as a result of the change in regular and/or special education or related services from April 6, 2020 through August 28, 2020. If so, within one week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond July 30, 2021.

Reporting Requirements:

- a) By no later than April 23, 2021, the District will submit to OCR documents supporting the group's decision, including documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student.
- b) By August 20, 2021, if the District decided that compensatory and/or remedial services are needed, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

ACTION ITEM 2:

By June 15, 2021, the District will provide training to the District's Special Education Coordinator and the School's Assistant Principal and Principal regarding the requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.33 and 104.35. The training will focus on the requirements concerning designing regular or special education programs and related aids and services to meet the individual needs of a student with a disability. The training will also cover consideration of compensatory educational services where appropriate.

Reporting Requirements:

By June 30, 2021, the District will provide OCR with a written report confirming the completion of training specified in Action Item 2. The documentation shall include: (1) the background and qualifications of the presenters/trainers; (2) a copy of the transcript(s)/materials used for the training; and (3) a list of the participants' names and titles that completed the training.

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 and is in compliance with the Section 504 implementing regulation, at 34 C.F.R. §§ 104.33 and 104.35, and the Title II implementing regulation at 28 C.F.R. § 35.130. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 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.

Dr. Cristen Herring
Superintendent

Date