

Resolution Agreement
OCR Case No. 07211063
Yukon Public Schools

The Yukon Public Schools voluntarily enters into this agreement to resolve the allegations in the above-referenced complaint filed under 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, which prohibit discrimination on the basis of disability by recipients of federal financial assistance, 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 which prohibit discrimination on the basis of disability by public entities.

Before OCR completed its investigation, the Yukon Public Schools agreed to resolve the complaint pursuant to Section 302 of OCR's *Case Processing Manual*. OCR has not made any conclusions of law or issued a final determination with regard to this complaint. While the Yukon Public Schools agrees to take the following actions, nothing contained in this Agreement shall be construed as an admission on its part to the allegations in the complaint.

RESOLUTION PROVISIONS

- 1. Within thirty (30) calendar days** from the start of the 2021-2022 school year, the Yukon Public Schools will initiate an evaluation and convene a multidisciplinary team (including the Complainant) to evaluate the Complainant's XXXXX. The multidisciplinary team will determine what regular or special education and related aids and services the Complainant's XXXXX may require in order to ensure XXXXX receives a free appropriate public education, as defined by 34 C.F.R. § 104.33.

The multidisciplinary team will review the Complainant's XXXXX's current placement and determine whether there was a change in placement for any reason during the 2020-2021 school year. The multidisciplinary team will also consider whether it is appropriate under Section 504 for the Complainant's XXXXX to receive compensatory services, and if so, what services should be provided. These determinations will be made in accordance with the procedural requirements of the regulation implementing Section 504 at 34 C.F.R § 104.35. In addition, the Yukon Public Schools will provide the Complainant with notice of its decisions and notice of Section 504 procedural safeguards/due process rights pursuant to 34 C.F.R. § 104.36.

REPORTING REQUIREMENT: **Within thirty (30) calendar days** from the date of the determination of the multidisciplinary team, the Yukon Public Schools will provide OCR documentation indicating completion of the requirements in Paragraph 1 above. That documentation will show:

- a) the date, time, and place of the 504 meeting;
- b) the names and titles of the individuals who attended the meeting, and of those responsible for decisions made as a result of the meeting;
- c) a listing or description of all determinations and decisions made as a result of the evaluative process;

- d) the information on which the determinations and decisions were based (please provide OCR copies of all documents that were considered);
- e) copies of any notes maintained by the multidisciplinary team;
- f) a copy of any IEP or Section 504 Plan revised or developed for the Complainant's XXXXX, reflecting the regular or special education and related aids and services to be provided (if applicable);
- g) the results of the consideration of compensatory services under Section 504 for the Complainant's XXXXX; and
- h) documentation demonstrating the Yukon Public Schools provided the Complainant notice of its evaluation decision(s) and notice of procedural safeguards/due process rights.

2. The Yukon Public Schools will fully implement any Section 504 Plan or IEP developed as a result of the actions taken pursuant to paragraph 1 above. The Yukon Public Schools will disseminate the Complainant's XXXXX's Section 504 Plan or IEP to all of XXXXX teachers in all educational sites within the district that the Complainant's XXXXX attends.

REPORTING REQUIREMENT: The Yukon Public Schools will provide OCR documentation that confirms the Yukon Public Schools has complied with Paragraph 2 above on or before December 31, 2021, for the first semester of the 2020-2021 school year, and on or before June 30, 2022, for the second semester of the 2021-2022 school year. Documentation should include, but is not limited to, verification of the Section 504 plan or IEP's dissemination to the Complainant's XXXXX's teachers.

3. **Within ten (10) calendar days** from the date of the first day of the 2021-2022 school year, the Yukon Public Schools, in consultation with the Complainant, will identify a contact person at the Complainant's XXXXX's school to receive reports of incidents of failure to follow the 504 plan or IEP, answer questions, and assist the Complainant and her XXXXX with any other concerns regarding XXXXX education. The Yukon Public Schools will ensure that this individual is knowledgeable about the Yukon Public Schools' obligation to provide services under the 504 Plan or IEP. By letter or email, the Yukon Public Schools will notify the complainant of the contact person's name, telephone number and email address.

REPORTING REQUIREMENT: Within thirty (30) calendar days from the first day of the 2021-2022 school year, the Yukon Public Schools will provide OCR documentation showing it has provided the Complainant the name and contact information for the individual described above.

The Yukon Public Schools understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the Yukon Public Schools understands that during the monitoring of this Agreement, if necessary, OCR may visit the Yukon Public Schools, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether it has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing

regulation at 34 C.F.R. § §104.4 and 104.38. Upon completion of the obligations under this Agreement, OCR shall close this case.

The Yukon Public Schools 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 Yukon Public Schools written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Superintendent
Yukon Public Schools

Date