
RESOLUTION AGREEMENT

Albuquerque Public School District 08-17-1196

The U.S. Department of Education, Office for Civil Rights (OCR) and the Albuquerque Public School District (District) enter into this agreement to resolve the allegation 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. Section 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. 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. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

- 1) The District will display a notice (Notice) on its website. The Notice shall:
 - Explain that when a school offers after school activities, including programs through the Community School Initiative (CSI), it must do so in a manner as is necessary to afford qualified students with disabilities an equal opportunity for participation;
 - Explain that this means making reasonable modifications and providing those aids and services that are reasonably necessary to ensure an equal opportunity for the qualified students with disabilities to participate. Explain that this may include an Educational Assistant, a 1-on-1 aide, an interpreter, or other service provider if it is determined during an individualized inquiry that the student requires it;
 - State the District's obligation to conduct an individualized inquiry regarding the disabled student's needs, and that although the District makes the final determination as to what is reasonably necessary to ensure an equal opportunity for qualified students with disabilities to participate in after school activities, the District is obligated to involve the student's parents/guardians in the individualized inquiry process.
 - Provide the contact information for the District's appropriate compliance officer or OCR.

The Notice shall be prominently displayed, at a minimum, on, the District's and Desert Ridge Middle School's Before & After School Programs page and the District's and Desert Ridge Middle School's Clubs & Activities pages.

REPORTING REQUIREMENT

Within 21 calendar days of the date of this Agreement, the District will provide OCR with the links to the web-pages containing the Memo.

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- 2) The District shall submit to OCR for its review and approval procedures (Procedures) to ensure that when it offers after school activities, including programs through the Community School Initiative (CSI), it must do so in a manner as is necessary to afford qualified students with disabilities an equal opportunity for participation. This means making reasonable modifications and providing those aids and services that are reasonably necessary to ensure an equal opportunity for the qualified students with disabilities to participate. Additionally, the Procedures shall state the District's obligation to conduct an individualized inquiry regarding the disabled student's needs, and that although the District makes the final determination as to what is reasonably necessary to ensure an equal opportunity for qualified students with disabilities to participate in after school activities, the District is obligated to involve the student's parents/guardians in the process. The Procedures shall also articulate the methods the District will use to notify parents/guardians of students with disabilities of the student's rights to participate equally in after school activities and notify parents/guardians of the District's obligations to ensure students with disabilities have an equal opportunity for participation. The District will continue to make changes until it receives OCR's approval.

REPORTING REQUIREMENT

Within 30 days of the date of this Agreement, the District will submit to OCR the Procedures for OCR's review.

- 3) Following written notification from OCR that the Procedures are approved, the District will adopt and implement the Procedures.

REPORTING REQUIREMENT

Within 21 calendar days following written notification from OCR that the Procedures are approved, the District will provide OCR with a copy of the Procedures as published and implemented, a statement confirming its publication and implementation of the Procedures, and a description of the location/s of the Procedures as published, including the link to the online posting of the Procedures. If the District requires additional time for full implementation and reporting of this term, the District shall notify OCR in writing of the steps it has taken, the steps it will take, and the date it will fully comply with this term.

- 4) Following written notification from OCR that the Procedures are approved, the District will issue a memorandum (Memo), at a minimum to the recipients listed below. The Memo shall:
- Notify the recipients that the District implemented new procedures designed to ensure that when it offers after school activities, it must do so in a manner as is necessary to afford qualified students with disabilities an equal opportunity for participation;

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- Explain that this means making reasonable modifications and providing those aids and services that are reasonably necessary to ensure an equal opportunity for the qualified students with disabilities to participate;
 - Explain that it includes all District after school programs, including programs through the Community School Initiative (CSI);
 - State the District's obligation to conduct an individualized inquiry regarding the disabled student's needs, and the District's obligation to involve the student's parents/guardians in the individualized inquiry process; and
 - Explain that aids and services may include an Educational Assistant or a 1-on-1 aide if it is determined during the individualized inquiry that the student requires it;

The Memo shall also provide a copy of the Procedures. The Memo shall be issued at a minimum to:

- The Principals of all elementary and secondary schools in the district;
- All Assistant Superintendents;
- All administrators of the Special Education department;
- The District Principal Support;
- The Executive Director (Compliance);
- The Executive Director (Student Service Center); and
- The Manager of After-School Programs.

The Memo shall also instruct the recipients to further disseminate the Memo to additional staff as needed.

REPORTING REQUIREMENT

Within 21 calendar days of the written notification from OCR that OCR has approved the Procedures, the District will provide OCR with a copy of the Memo, and documentation demonstrating the submission of the Memo to the recipients.

The District 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 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 regulations implementing Section 504, 34 C.F.R. §104.4 and 34 C.F.R. §104.37, and Title II, at 28 C.F.R. §35.130(a) which were at issue in this case. 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 the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to

enforce the 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.

/s/

Albuquerque Public School District

7/6/2020

Date