

Resolution Agreement

Albuquerque Public School District 08-18-1482

In order to resolve Case Number 08-18-1482, filed against Albuquerque Public School District (District), the District agrees to implement the following Resolution Agreement. These complaint allegations were opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR) pursuant to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and its implementing regulation at 34 C. F. R. part 104, which prohibits discrimination on the basis of disability in education programs that receive Federal financial assistance from the Department; and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities.

During the course of OCR's investigation, before OCR had made any findings, District indicated its willingness to take steps necessary to ensure compliance with Section 504. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint, OCR believes that doing so is appropriate, and the remedies align with the allegations. District's decision to enter into this Agreement is not an admission of liability or wrong-doing, nor shall it be construed as such.

Bus Transportation

During the 2018-2019 school year, the District will continue to provide the Student with bus transportation services to and from school consistent with its current policies and practice. Additionally, if either the District or the complainant seeks to make changes to the transportation services for the Student, the District will conduct a multidisciplinary team meeting, conducted consistently with federal procedural requirements, to consider what equipment, processes, and services are necessary and appropriate to meet the Student's needs with regard to bus transportation services to and from school. OCR will monitor the District's compliance with this term until the last day of the 2018-2019 school year.

REPORTING REQUIREMENT

If during the monitoring of this agreement the District makes changes to the transportation services for the Student, **within 15 days** of the date of the meeting the District will provide OCR with a copy of the multidisciplinary team meeting minutes, the Student's IEP, and other supporting documentation to demonstrate that it has fulfilled this requirement.

Within 15 days of the last day of the 2018-2019 school year, the District will provide OCR with a written statement confirming that it had provided the transportation services to the Student consistent with its current practice or as modified per the Student's IEP.

Curbside Pickup (After-School)

Within 15 days of the date of this Agreement, the District will provide OCR with a copy of a written or electronic (e.g. email) letter (Letter), for OCR's review and approval, to be sent to the complainant that articulates the District's/school's policies and procedures regarding after-school pick-up for the Student. Additionally, the Letter will also articulate the steps the District will take to accommodate the Student consistent with Section 504 and Title II and his IEP regarding after-school pick-up, if any. Also, the Letter will articulate the District's expectations regarding the complainant's responsibilities and actions

regarding after-school pick-up. The District will modify the Letter until it received OCR's written approval.

REPORTING REQUIREMENT

Within 15 days of the date of this Agreement, the District will provide OCR with a copy of the Letter for OCR's review and written approval.

During the 2018-2019 school year, the District will provide the complainant with an equal opportunity to pick-up the Student at curbside after-school (during carpool) consistent with the district's/school's pick-up policies and procedures, the Student's IEP, and as described in the Letter.

OCR will monitor the District's compliance with this term until the last day of the 2018-2019 school year.

REPORTING REQUIREMENT

Within 15 days after the last day of the 2018-2019 school year, the District will provide OCR with a written statement confirming that it provided the complainant with an equal opportunity to pick-up the Student at curbside after-school (during carpool) consistent with the district's/school's pick-up policies and procedures, the Student's IEP, and as described in the Letter.

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 Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35. 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.

For Albuquerque Public School District:

/s/

Name and Title

12/10/2018

Date