

RESOLUTION AGREEMENT
Aurora Public Schools
Case Numbers 08-19-1144

In order to resolve the issues raised in Case Number 08-19-1144, that the Aurora Public Schools (the District) discriminated against the Student on the basis of disability when it (1) failed to implement the Student's Section 504 Plan; and (2) failed to respond to complaints that the Student was harassed based on his disability, the District agrees to implement this Resolution Agreement. This case was initiated pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), and its implementing regulation at 28 C.F.R. Part 35. The District indicated its willingness to take steps necessary to ensure compliance with Section 504 and Title II. The District's decision to enter into this Agreement is not an admission of liability or wrong-doing, nor will it be construed as such.

1. The District will draft for OCR's approval in-service training materials and identify one or more persons knowledgeable about Section 504 and Title II who will provide the training. The training will include, at a minimum:
 - a) A review of the District's responsibility to comply with Section 504 and Title II, which state that educational institutions under OCR's jurisdiction may not discriminate against any person on the basis of disability;
 - b) The prohibition against disability discrimination by public schools, including the District;
 - c) Discussion of the requirements of Section 504 and Title II, including, at a minimum:
 - i) The District's responsibility to provide a free appropriate public education to all students with disabilities in their jurisdictions, including the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met;
 - ii) Failure to provide all of the accommodations listed in a Section 504 Plan could result in a denial of a free appropriate public education;
 - iii) Discussion that while it is best practice that a Section 504 Plan be written to ensure that all parties are clear about what has been agreed to and what constitutes a free appropriate public education for a particular student, Section 504 Plan provisions that are agreed to verbally among 504 team participants are equally enforceable;
 - iv) A student's 504 team must inform relevant staff members (teachers, paraprofessionals, nurses, etc.) as to the contents of the Section 504 Plan and ensure that they understand what is required and how to implement the requirements. Therefore, individuals responsible for implementing a student's

Section 504 Plan may include individuals who are newly-hired by the District and did not have the opportunity to participate in a particular student's 504 meeting;

- d) Discussion of the fact that the District does not tolerate disability discrimination, including harassment, that such conduct is prohibited by law, and that effective action, including disciplinary action where appropriate, will be taken, including:
- i) Definition of disability harassment and hostile environment, including examples;
 - ii) Instruction on how to recognize disability harassment and hostile environment; and
 - iii) The District's responsibility to promptly and equitably resolve disability harassment claims.

REPORTING REQUIREMENT: Within sixty (60) calendar days of the date of this Agreement, the District will submit documentation to OCR demonstrating that it has fully complied with this paragraph. Such documentation will include:

- o The draft training materials for OCR's review and approval.
 - o Identification of the intended trainer(s) and information about the trainer's qualifications.
2. The District will provide the training discussed in Item 1, above, to all faculty and staff at the Academy of Advanced Learning (Academy), including the Academy's Principal. The District will provide this training in July 2019, after OCR's approval of the training materials.

REPORTING REQUIREMENT: Within ten (10) calendar days after the conclusion of the training, the District will submit to OCR proof that the training was provided. Such documentation will include:

- o The agenda and handouts for the training;
 - o The date and time the training was held; and
 - o A copy of the attendance sheet from the training, including the name and title of each participant, along with a written assurance from the Principal at the Academy that all required attendees were present during the training.
3. By May 15, 2019, the District will convene a Section 504 meeting to include the Complainant, for the purpose of determining whether the Student should receive counseling as a compensatory service as the result of any alleged harassment experienced by the Student. Should the team determine that this compensatory service is necessary for the 2019-

20 school year, this compensatory service requirement will remain in effect even if the Student transfers to another school, so long as the Student remains enrolled within the District.

REPORTING REQUIREMENT: By June 14, 2019, December 13, 2019, and May 29, 2020, the District will provide OCR documentation regarding the provision of the services, including documentation of all contacts with the Complainant regarding the services, and documentation of the amount and type of services provided, such as a log. If the Section 504 team determines that the Student is not eligible to receive the services described in Item 3 above, the District will provide a statement by June 14, 2019, describing the reasons the services were not provided.

4. By August 30, 2019, the District will ensure that all faculty and staff who are responsible for implementing the Student's Section 504 Plan are familiar with the Plan and actions necessary for implementation of the Plan. The District will also complete the following:
 - Designate a point-of-contact for the Complainant regarding any questions or concerns about the Section 504 Plan implementation;
 - Designate four (4) dates throughout the 2019-20 school year¹ during which the Complainant will meet with the point-of-contact to "check-in" on the Student.

REPORTING REQUIREMENT:

- a) By September 10, 2019, the District will provide documentation that the faculty and staff were informed of the Student's Plan and their respective obligations to implement the Plan; identify the point-of-contact, and identify the four designated check-in dates;
- b) By the end of the 2019-20 school year, the District will provide a summary of its actions required by Paragraph 4 of this Agreement, including by providing the dates of the check-in meetings and how it addressed concerns raised by the Complainant.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, 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 and Title II at 34 C.F.R. §104.35; and 28 C.F.R. § 35.130(a). 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

¹ The requirements outlined in Item 4 will remain in effect throughout the 2019-20 school year, so long as the Student remains enrolled within the District.

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 Aurora Public Schools:

_____/s/_____
Name Date
Title