

## Resolution Agreement

### **Albuquerque Public School District 08-20-1013**

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.

#### Term 1: Builders' Club

During the 2019-2020 school year, the District will continue to ensure that the Student has an equal opportunity to participate in Builders' Club after school at Desert Ridge, as long as the Student qualifies for participation in the program. This means making reasonable modifications and providing those aids and services that are reasonably necessary to ensure that the Student has an equal opportunity to participate. Additionally, the District will ensure that the Student has an equal opportunity to participate in other Builders' Club activities, such as but not limited to those activities that occur on weekends, and/or outside of the Builders' Club's normal after-school meeting hours at Desert Ridge. Additionally, the District will ensure that the Student has an equal opportunity to participate in other Builders' Club activities that occur off Desert Ridge's campus or outside of the Builders' Club's meeting room at Desert Ridge.

#### REPORTING REQUIREMENT

If, during the monitoring of this agreement, the District makes changes to the aids and services it provides the Student for the Student's participation in the Builders' Club at Desert Ridge, **within 15 days** of the date of the change the District will provide OCR with an explanation of the changes and the District's justification for the changes.

**Within 15 days** of the last day of the 2019-2020 school year, the District will provide OCR with a written statement confirming that it had provided the aids and services to the Student consistent with its current practice or as modified.

#### Term 2: Kiwanis International Clubs

During the 2020-2021, and 2021-2022 school years, the District will ensure that the Student has an equal opportunity to participate in CSI, OST, or other District before & after-school program activities associated with Kiwanis International, such as the Key Club, as long as the Student qualifies for participation in the club or activity. This means that the District will make

reasonable modifications and providing those aids and services that are reasonably necessary to ensure that the Student has an equal opportunity to participate, or the District will ensure that Kiwanis International provides the Student with such reasonable modifications and provide those aids and services. Additionally, the District will ensure that the Student has an equal opportunity to participate in the club's activities that occur on weekends, and/or outside of the club's normal before or after-school meeting hours. Additionally, the District will ensure that the Student has an equal opportunity to participate in the club's activities that occur off campus.

### **REPORTING REQUIREMENT**

**Within 15 days** of the last day of the 2020-2021 and 2021-2022 school years, the District will provide OCR with a written statement stating

1. whether the Student participated in a CSI, OST, or other District before & after-school program activities associated with Kiwanis International,
2. whether and what the Student's parent requested for accommodations for the Student,
3. whether and what accommodations the District or Kiwanis International provided the Student, and
4. whether the District or Kiwanis International denied the Student accommodations and the justification for the denial.

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/

April 9, 2020

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Date