

RESOLUTION AGREEMENT

Albuquerque Public Schools Case Number 08-20-1179

In order to resolve issues raised in Case Number 08-20-1179, filed against the Albuquerque Public Schools (the District) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), 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 will comply with the cited provisions of the Section 504 Subpart C Section 104.21 which states “no qualified handicapped person shall, because a recipient's facilities are **inaccessible to or unusable** by” persons with disabilities, “be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which this part applies.”

1. The District will notify, in writing and orally, if and when Deputy XXXX of the Bernalillo County Sheriff's Office returns to work at the XXXX School (the School) that he cannot obstruct access to the visitor parking lot containing accessible parking spaces with his official vehicle or by any other means. Should the Deputy not comply with the District's request the District will ask the Sheriff's Office to assign another deputy to the school who will also be informed in writing and verbally that he cannot obstruct access to the parent parking lot. If another Deputy is assigned to the School rather than Deputy XXXX or any future Deputy assigned to the school will also be notified, in writing and orally, that obstructing access to the visitors parking lot is forbidden as it violates the terms of this Agreement.

REPORTING REQUIREMENT 1: Within 90 days of the date of this Agreement, the District will submit a written report to OCR summarizing the actions the District has taken to implement Term 1 of the Agreement. The District's report will include documentation satisfactory to OCR showing those actions. Such documentation will include, for example, a signed and dated copy of the instructions provided to Deputy XXXX or any other Deputy who may be assigned to the School and a signed and dated written statement from the School's principal indicating what actions she has taken to ensure that this requirement of the Agreement is being implemented.

2. The District will notify, in writing and orally, all staff including disabled staff that the visitor parking lot at the XXXX School (the School) is off limits to staff parking especially in the accessible parking spaces since such spaces are provided in the staff parking lot and any staff found violating this policy will be subject to disciplinary action. The District will also develop a plan so that any disabled staff who need access to the accessible parking spaces in the staff parking lot can have unfettered access to the staff parking lot.

REPORTING REQUIREMENT 2: Within 90 days of the date of this Agreement, the District will submit its plan for disabled staff to have access to the staff parking lot. OCR will review and approve the plan. The plan will not become effective until OCR grants approval. Additionally, the District will provide OCR a written report summarizing the actions the District has taken to implement Term 2 of the Agreement. The District’s report will include documentation satisfactory to OCR showing those actions. Such documentation will include, for example, signed and dated copies of the instructions provided to all staff and a signed and dated written statement from the School’s principal indicating what actions she has taken to ensure that this requirement of the Agreement is being implemented.

Due to the unprecedented obstacles that the current Covid 19 pandemic has posed in the reopening of schools in the United States, OCR has been granted leniency in enforcing requirements on school district and will work with the District to ensure any unexpected issues that arise will not result in the District violating the terms of the Agreement.

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, or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of the Agreement, if necessary, OCR may visit the District, interview District employees 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 regulation implementing Section 504 of the Rehabilitation Act of 1973 at 34 C.F.R. §§ 104.21 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. §§ 35.130, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this complaint.

For Albuquerque Public Schools:

/s/

7/17/2020

Name, Title

Date