

RESOLUTION AGREEMENT
Show Low Unified School District
OCR Case 08-21-1132

Show Low Unified School District (the District) enters into this Agreement to resolve an allegation in the above-referenced case that the District, by complying with a policy set forth by the Arizona Interscholastic Association (AIA) mandating a face-covering/mask at AIA athletic events without any exemptions, failed to provide individuals with disabilities – including the Complainant and her daughter – equal access to the District’s athletic activities in 2021.

Prior to the U.S. Department of Education (the Department), Office for Civil Rights (OCR) completing its investigation of the allegation against the District, the District agreed to resolve the allegation and OCR’s related compliance concern identified in the accompany letter in this case pursuant to Section 302 of OCR’s *Case Processing Manual*.¹

The District assures OCR that the District 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. § 794, and its implementing regulation, at 34 C.F.R. Part 104, which prohibit discrimination based on disability in programs and activities of recipients of federal financial assistance; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Section 12131 *et seq.*, and its implementing regulation, at 28 C.F.R. Part 35, which prohibit discrimination based on disability by public entities. As a public entity that receives financial assistance from the Department, the District must comply with Section 504, Title II, and their implementing regulations.

This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District.

I. Reimbursement to the Complainant

- a. Within 20 calendar days of signing this Agreement, the District will reimburse the Complainant twenty dollars (\$20) for the two tickets that she and the father of her daughter purchased for the daughter’s basketball game on [redacted content].

¹ In another OCR case 08-21-1090 involving a similar allegation against AIA, OCR resolved its compliance concerns about AIA’s face-covering/mask policies through a resolution agreement that AIA signed. That agreement requires, among other things, that AIA: (a) revise its disability-related policies and procedures to ensure compliance with Title II and Section 504; (b) disseminate the revised policies and procedures to all member schools and school districts, students, parents and guardians, and all AIA staff, committee, and Board members; and (c) send written notice to all member schools and school districts of any future face-covering/mask mandate for student athletes, parents, or other spectators, including that persons with disabilities who cannot wear masks would be exempted and that AIA will provide a process by which persons with disabilities may request an exemption to the mandate with supporting medical documentation demonstrating that the person cannot wear a mask due to disability.

- b. **Reporting:** Within 30 calendar days of signing this Agreement, the District will submit to OCR documentation demonstrating that the Complainant was reimbursed pursuant to Term I.

II. Dissemination of AIA's Revised Disability-related Policies and Procedures

- a. Within 20 calendar days of receiving AIA's written notice of its revised policies and procedures, including any future face covering (e.g., mask) requirements for athletic events, the District will disseminate the notice and AIA's policies and procedures to all parents and guardians of students in the District and all District principals, assistant principals, special education coordinators and case managers, Section 504 coordinators, nurses, and coaches. The District will instruct all recipients to carefully review the information and direct any questions to the District's Superintendent and/or AIA as appropriate.
- b. **Reporting:** Within 30 calendar days of receiving AIA's written notice of its revised policies and procedures, the District will submit to OCR documentation demonstrating that the District disseminated the notice and AIA's policies and procedures pursuant to Term II.

III. The District's Policies and Procedures

- a. The District will develop policies and procedures that specify how it will handle requests for disability-related accommodations or modifications should any future face covering (e.g., mask) requirements be imposed by the District and/or AIA.²
- b. **Reporting:** Within 30 calendar days of this Agreement being signed, the District will submit to OCR for review and approval a draft of the policies and procedures required by Term III. The District will promptly and fully address OCR's concerns, if any, until the District receives notification from OCR that no further reporting is required for Term III.

IV. Monitoring of Other Complaints by OCR

- a. By September 30, 2023, the District will report to OCR any complaints – whether written or oral or informal or informal – regarding face coverings that it received in 2021, 2022, and 2023, if any beyond the complaints of the Complainant in this case.
- b. By June 30, 2024, the District will report to OCR any complaints regarding face coverings from the 2023-2024 school year.
- c. The District will promptly and fully address OCR's concerns, if any, about the complaints it reports to OCR until the District receives notification from OCR that no further reporting is required for Term IV.

² See 34 C.F.R. §§ 104.4, 104.37; 28 C.F.R. §§ 35.130, 35.149.

UNDERSTANDINGS AND ACKNOWLEDGMENTS

By signing the Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the District understands that during the monitoring of the 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 the Agreement and is in compliance with the Title II and Section 504 statutory and regulatory obligations at issue in this case. The District understands that OCR will not close the monitoring of the Agreement until such time as OCR determines that the District is in compliance with the terms of the Agreement and these statutes and regulations at issue in the case.

The District understands and acknowledges that OCR may initiate proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms and obligations of the Agreement and/or the applicable statutes and regulations. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below:

For the District:

/s/ _____
Kevin St. John, Superintendent

9/5/23 _____
Date