

**Resolution Agreement
Ann Arbor Public Schools
OCR Docket #15-14-1270**

The Ann Arbor Public Schools (the District) submits this Resolution Agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint and ensure compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. This Resolution Agreement does not constitute and shall not be construed as an admission of liability or wrongdoing by the District, or its agents, employees, successors, representatives, or assigns, with respect to the subject matter outlined in the complaint or in the Action Steps below. The District denies that it has violated Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35 and is entering into this Resolution Agreement solely to avoid the time and expense associated with disputing this complaint. The District agrees to do the following:

ACTION STEPS – Individual Remedies

1. By **February 13, 2015**, the District will:
 - a. Convene the Student’s Individualized Education Program (IEP) team (Team), including the Student’s parents, and teachers, to determine what compensatory education or other remedial services, including, if necessary, grade adjustments, the Student requires for the time period from xxxxxxxxx xxx xxxxx xxxxx xxx xxx xxxxx during the time it is alleged that the District failed to implement the Student’s Section 504 plan.
 - b. Develop a written plan for providing the Student with the compensatory education or other remedial services deemed necessary pursuant to Action Step 1.a above, which plan will identify the nature and amount of the services to be provided at no cost to the Student’s parent(s), by whom, and when, and will become part of the Student’s IEP. The District will invite the Student’s parent(s) to participate in the Team meeting, and in the event that the Student’s parent(s) is/are unable to attend, the District will provide the Student’s parent(s) with a meaningful opportunity to provide input, written notice of any determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

REPORTING REQUIREMENTS: By **February 13, 2015**, the District will provide OCR with documentation to demonstrate its implementation of Action Step 1 above, including: documentation showing when the Team met, who was present, what was discussed, the Team’s decisions, and the bases for those decisions, copies of any meeting

minutes, a copy of any plan developed for the Student, documentation of any input provided by the Student's parents and showing that procedural safeguards were provided to them, and any other documentation relevant to the determinations reached in accordance with Action Step 1 above. Should the District determine that no compensatory education or other remedial services are necessary, the District will provide a written explanation+*-- of the reasons for those determinations, along with any supporting documentation. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36, in making these determinations.

By **June 30, 2015**, the District will submit documentation to OCR verifying that it provided the Student with the compensatory education the Team determined to be necessary, including the dates, times, and locations that the compensatory education or other remedial services were provided to the Student, and the name(s) and title(s) of the service provider(s).

2. By **February 13, 2015**, the District will notify the Student's parent, in writing, of the outcome of its investigation of her complaints to the District from the 2013-2014 school year of discrimination based on disability. The District's written notification to the Student's parent will include: a statement explaining the allegation of disability discrimination investigated by the District; a statement of the legal standard the District applied in analyzing the evidence obtained; explanation of the District's findings following its investigation; and, if applicable, any remedies provided to the Student or other actions taken by the District.

REPORTING REQUIREMENT: By **February 13, 2015**, the District will provide OCR with a copy of the written notification issued to the Student's parent.

ACTION STEPS – District-wide Remedies

3. By **February 13, 2015**, the District will immediately discontinue its use or any reference to the "Section 504 and Title II Grievance Procedure," dated July 2010. The District will notify all District administrators, teachers and staff that this procedure has been replaced by the OCR-approved "Grievance Procedure" available on the District's website. The District will provide a copy of the OCR-approved Grievance Procedure with this notice.
4. By **February 13, 2015**, the District will re-publish the OCR-approved grievance procedure in a prominent location on its website, other than the "Parents" tab.
5. By **February 13, 2015**, the District will provide training by a competent authority on Section 504 on the District's obligations to students with disabilities under Section 504 and the OCR-approved Section 504 grievance procedures to all District administrators, teachers and staff.

REPORTING REQUIREMENT: By **February 13, 2015**, District will submit information to OCR documenting implementation of Action Steps 3-5, above, including: copies of any notices issued; the link to the procedures on the District's website;

verification that any inconsistent District documents were revised or removed; documentation that copies of the OCR-approved grievance procedures were distributed to District teachers, staff, and administrators; the date(s) of the training(s); a copy of the training agenda; copies of training materials used; the name, title, and qualifications of the person(s) who provided the training(s); and sign-in sheets showing the names and job titles of all persons who attended the training.

General Requirements

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.7(b) and 104.33-104.36, and Title II and its implementing regulation at 28 C.F.R. § 35.107(b), which were at issue in this case.

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 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 and its implementing regulation at 34 C.F.R. §§ 104.7(b) and 104.33-104.36, and Title II and its implementing regulation at 28 C.F.R. § 35.107(b).

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 a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

01/30/2015

Superintendent or Designee

Date