

**RESOLUTION AGREEMENT**  
**Akron Public Schools**  
**OCR Docket #15-15-1305**

The Akron Public Schools (the District) submits this Resolution Agreement (the Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and to ensure its compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504), 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.* (Title II), and its implementing regulation at 28 C.F.R. Part 35.

The District agrees to take the following action steps:

**I. Individual Remedy**

By **November 9, 2018**, the District will notify the Student's parent in writing that it will reimburse the Student's parent \$700.00 for tutoring services she incurred for the Student during the 2014-2015 school year, and that payment will be made once the Student's parent provides the District with the tutor's name and credentials, a statement of the hours of tutoring completed, and a completed District payment processing form. The District's notice will provide a copy of the required form and will give the Student's parent at least 30 days to provide all of the requested documentation. The District will reimburse the Student's parent the \$700.00 within two weeks of receiving the above-referenced documentation.

**Reporting Requirements:**

1. By **November 9, 2018**, the District will submit to OCR a copy of the written notice it provided to the Student's parent in accordance with Item I above.
2. By **January 30, 2019**, the District will provide OCR with documentation that it has reimbursed the Student's parent \$700.00 or will provide OCR with a statement explaining why reimbursement was not provided.

**II. District-Wide Remedies**

**A. By January 30, 2019**, the District will provide training regarding the District's legal obligations under Section 504 and Title II to all District staff and administrators at its XXXXX XXXXXX XXXX XX XXXX XXXXXX, XXXX, XXXXXX XXX XXXX XXXX XXXXXX School (the School). The training must be provided by an individual with expertise in Section 504 and Title II, and must cover, at a minimum:

- a. Section 504 and Title II's prohibition against disability discrimination and harassment;
- b. the District's obligation pursuant to Section 504 and Title II to address incidents of disability harassment of students carried out by other students XX XXXXXX,

- including, but not limited to, its obligation to address the harassment, prevent its recurrence, and remedy its effects;
- c. the District’s obligation to provide students with disabilities a free appropriate public education (FAPE) pursuant to the Section 504 implementing regulation at 34 C.F.R. § 104.33, and the District’s obligation to fully implement the placement and services Section 504 and Individualized Education Program (IEP) teams determine to be necessary in providing a FAPE to students with disabilities;
  - d. the District’s obligations with respect to the identification, evaluation, reevaluation, and placement of students with disabilities pursuant to the Section 504 implementing regulation at 34 C.F.R. § 104.35, with an emphasis on providing students with those services designed to provide FAPE and a discussion of when reevaluations are required; and
  - e. the District’s obligation to provide students with disabilities with the services necessary to give them an equal opportunity to participate in the District’s non-academic and extracurricular activities, including but not limited to XXXXX XXXXX, pursuant to the Section 504 regulation at 34 C.F.R. § 104.37.

**Reporting Requirement:** By **January 30, 2019**, the District will provide documentation to OCR that it has provided the training required by Item II(A) of the Agreement, including the date(s) and time(s) when the training was held; the location where the training was held; the name, title, and qualifications of the individual who conducted the training; a copy of a sign-in sheet for attendees that lists the name and title of each attendee; a copy of the training agenda; and a copy of any training materials used or distributed during the training. If the District completed training that satisfies all provisions of Item II(A) above prior to signing the Agreement, but after the start of the 2017-2018 school year, the District can submit to OCR records of such training to satisfy Item II(A) of the Agreement.

- B. By January 30, 2019**, the District will issue a memorandum to the School’s administrators, teachers, and parents/guardians of students with disabilities, stating the District’s commitment to ensuring that students with disabilities have an equal opportunity to XXXXX XXXXX XXXXX XXXXX, including a procedure for students’ individualized education program (IEP) or Section 504 teams to determine in advance the necessary related aids and services for each student to participate in XXXXX XXXXX that are part of the School’s academic program, and for providing any reasonable modifications in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability in School XXXXX XXXXX. The memorandum will also state that parents/guardians cannot be required to XXXXX XXXXX XXXXX as a condition of participation for a student with a disability. The memorandum will be published on the School’s web page and in any other location where the District’s policies and procedures regarding the identification, evaluation, and placement of students with disabilities are published.

**Reporting Requirement:** By **January 30, 2019**, the District will provide OCR with documentation of its implementation of Item II(B) of the Agreement, including a copy of the memorandum issued, verification of its distribution to all School administrators,

teachers, and parents/guardians of students with disabilities, and verification of its publication on the School’s web page and any additional locations. By **June 15, 2019**, the District will provide OCR with documentation of any XXXXX XXXXX that School students participated in during the remainder of the 2018-2019 school year, a list of students with disabilities who attended each XXXXX XXXX (student names may be replaced with other unique identifiers), and documentation of the District's advance planning and provision of any necessary aids, services, and modifications for each student to participate.

**General Requirements**

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 the Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement. Upon the District’s satisfaction of the commitments made under the Agreement, OCR will close the 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.

The Agreement will become effective immediately upon the signature of the District’s representative below.

/s/

11/1/2018

\_\_\_\_\_  
Superintendent or Designee

\_\_\_\_\_  
Date