RESOLUTION AGREEMENT
Ann Arbor Public Schools
OCR No. 15-19-1092

Ann Arbor Public Schools (the District) submits this Resolution Agreement (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. The District agrees to take the following actions:

ACTION STEPS

1. Within 7 calendar days of signing this agreement, the District will send a certified letter to the Student's parent(s) inviting XXXXX, after providing proper written notice to the Student's parent(s), the District will convene a group consisting of individuals knowledgeable about the Student, the Student's evaluation data, and the placement options, including the Student's parent(s), to:

   a. Evaluate the Student consistent with the requirements of 34. C.F.R. § 104.35, to determine what regular or special education and related aids and services the Student needs to receive a free and appropriate public education (FAPE), and develop an education plan, e.g., a Section 504 plan, which clearly explains how, when, where and by whom those services will be provided;

   b. determine whether the District failed to fully implement the Student's XXXXX, Section 504 Accommodation Plan ("Section 504 plan"), XXXXX and whether that failure resulted in the Student being denied FAPE;

   c. determine whether any compensatory education and/or remedial services are necessary for the Student due to any failure of the District to implement any of the provisions of the Student's XXXXX, Section 504 plan XXXXX; and

   d. if the team determines compensatory education and/or remedial services are necessary, then within seven (7) calendar days of making its determination, the team will develop a written plan for providing timely compensatory education and/or remedial services to the Student. The plan will identify the nature and amount of services to be provided at no cost to the Student's parent; the individual(s) responsible for providing the services; and the dates such services are to be provided; the Student's parents will be provided with a copy the education plan and the plan for compensatory education services, if any. If no compensatory education services are deemed necessary, the Student's parents will be provided with written notice of that decision.

   e. the District will provide the Student's parent(s) notice of their procedural safeguards in accordance with 34 C.F.R. § 104.36 regarding any Section 504 or other education

plan developed for the Student and the group's decisions regarding compensatory education services, including the right to challenge the group's determinations through an impartial due process hearing.

Reporting Requirement:
By June 17, 2019, the District will provide OCR with a copy of the letter inviting the Student's parent(s) to re-enroll the Student in the District as discussed in action step 1, and evidence showing the method of delivery to the Student's parent(s).

2. By September 30, 2019, the District will provide mandatory Section 504 training, by a competent authority on Section 504, to all District guidance counselors, principals, and teachers XXXXX. The training shall include, at a minimum, Section 504's requirements regarding the evaluation, placement, and reevaluation of students with disabilities, with an emphasis on Section 504's requirement that the District provide FAPE to all students with disabilities. The training will also emphasize the District's obligation to notify all individuals responsible for implementing any portion of a student's Section 504 plan or Individualized Education Program about that plan prior to the date the plan must be implemented, and of the District's responsibility to fully implement each plan in order to ensure that it provides FAPE to students with disabilities.

> **Reporting Requirement:** By October 14, 2019, the District will submit information to OCR documenting its implementation of Action Step 2, including: the date(s) of the training, the name, title and qualifications of the individual(s) providing the training, a copy of the training materials referenced or distributed during the training, and a copy of the sign-in sheet with the names, titles, and signatures of the individuals who attended. If any required participants were unable to attend the training, the District should note their names and titles and its plan for providing the training to those individuals.

General Requirements

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 and its implementing regulation at 34 C.F.R. § 104.4 and Title II and its implementing regulation at 28 C.F.R. §§ 35.130 and 35.160. Upon completion of the obligations under this Agreement, OCR will close 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.

__/s_____   __5/29/19_____
Superintendent or Designee   Date
Ann Arbor Public Schools