

**Akron Public Schools
Resolution Agreement
OCR Docket #15-19-1183**

Akron Public Schools (the District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and ensuring compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 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 (Title II), 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:

1. By **August 16, 2019**, the District will convene the Student's Section 504 team (the Team), including the Student's parent(s) and individuals at the District who are knowledgeable about the Student, the meaning of her evaluation data, and placement options. The District will invite the Student's parent(s), in writing, to attend the meeting and will provide a reasonable date by which the parent(s) shall respond. The team will take the following actions:
 - a. The team will conduct an evaluation of the Student pursuant to the requirements of 34 C.F.R. § 104.35 and determine the appropriate placement for the Student (i.e., what regular or special education and related aids and services are required to provide her with a free appropriate public education (FAPE) pursuant to 34 C.F.R. § 104.33). The District will prepare a written plan for providing the Student with the regular or special education and related aids and services deemed necessary. The plan will identify the nature and amount of the services to be provided at no cost to the Student, by whom they will be provided, and when they will be provided.
 - b. The team will determine what compensatory education or related services the Student requires as a result of XXXXX. The District will prepare a written plan for providing the Student with the compensatory education or other remedial services deemed necessary. The plan will identify the nature and amount of the services to be provided at no cost to the Student, by whom they will be provided, and when they will be provided.
 - c. By **September 3, 2019**, the District will send notification to the Student's parent(s), in writing, of the decisions made at the meeting. The notification should include a detailed description of the outcome of the assessment, the Section 504 plan to be implemented during the 2019-2020 school year, and the plan for compensatory education or other remedial services. The District will also notify the Student's parent(s), in writing, of the procedural safeguards afforded to them under Section 504.

Reporting Requirements: By **September 3, 2019**, the District will provide OCR with documentation to demonstrate its implementation of Item 1, including: (i) copies of the District’s efforts to schedule a meeting with the Student’s parent(s) and the parent’s(s’) response; (ii) copies of any notes or related documents from the meeting showing when the meeting occurred, who was present, what was discussed, the determinations made and the bases for those determinations; (iii) a copy of any plan developed for the Student; and (iv) a copy of any notification sent to the Student. 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. §§ 104.34, 104.35 and 104.36, in making the determination.

2. By **December 20, 2019**, if the Team determined that compensatory education or other remedial services are necessary, the District will provide the Student with those services.

REPORTING REQUIREMENT: By **January 13, 2020**, the District will provide OCR with documentation to demonstrate its implementation of Item 2, including the dates, times, and locations that the services were provided to the Student, and including the name(s) and title(s) of the service provider(s).

3. The District will provide written notification to, at a minimum, all of the Kenmore-Garfield High School administrators, including the principal, assistant principals, and counselors, stating that if the district suspects that a student has a disability requiring special education or related aids and services, the district may not require that a student or parent provide a diagnosis or medical documentation as a condition of evaluation under Section 504.

REPORTING REQUIREMENT: By **September 30, 2019**, the District will provide a copy of this notification to OCR and documentation demonstrating to whom it was provided and by what means (e.g., email, hard copy, etc.).

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 students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms and obligations of the 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 proceedings to enforce the specific terms and obligations of the Agreement and/or applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will 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.

Superintendent or Designee

Date