

**Ann Arbor Public Schools
Resolution Agreement
OCR Docket #15-22-1322**

Ann Arbor 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 **May 31, 2023**, the District will convene a group of persons knowledgeable about the Student [redacted content], the Student's evaluation data, and the placement options, including the Student's parent(s) (the Team), to determine what compensatory education or other remedial services the Student may require as a result of the District not fully implementing the Student's Individualized Education Program (IEP) with respect to [redacted content] [redacted content], [redacted content] [redacted content] [redacted content], [redacted content] [redacted content] [redacted content] [redacted content] to the Student's parents during the [redacted content] school year. The Team will develop a written plan for providing the Student with the compensatory education and/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's parent(s), by whom (title, and qualifications), and when. The District will provide the Student's parent(s) a meaningful opportunity to provide input into the Team's determinations, written notice of the determinations made, and notice of the procedural safeguards available to them under the Section 504 implementing regulation at 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing.

Reporting Requirements:

- By **June 15, 2023**, the District will provide OCR with documentation to demonstrate its implementation of Item 1, including:
 - a. copies of the District's communications with the Student's parent to schedule the meeting and the Student's parent's response;
 - b. copies of any notes or related documents from the Team meeting showing when the meeting occurred, who was present, what was discussed, the determinations made, the bases for those determinations, and any documents or records relied on in making those determinations;
 - c. should the District determine that no compensatory education or other remedial services are necessary, a written explanation of the reasons for that determination, 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. §§ 104.34, 104.35 and 104.36, in making these determinations;

- d. a copy of any plan for compensatory education or other remedial services developed for the Student;
 - e. documentation of any input provided by the Student’s parents and showing that procedural safeguards were provided to them; and
 - f. any other documentation relevant to the determinations reached in accordance with Item 1 above.
- By **August 15, 2023**, the District will provide documentation to OCR of the dates, times, and locations that the compensatory education or other remedial services, if any, were provided to the Student, including the name(s) and title(s) and qualifications of the service provider(s).
2. By **September 30, 2023**, the District will provide training by a competent authority on Section 504 and Title II on the District’s obligations to students with disabilities under Section 504 and Title II. The District will provide this training to, at a minimum, the Section 504 coordinator(s) at [redacted content] and any staff at with responsibility for evaluating and determining the placement of students under Section 504 and implementing student Section 504 plans at [redacted content]. At a minimum, the training will address the following topics: (i) Section 504 and Title II requirements to provide students with disabilities aids, benefits, and services that are as effective as those provided to others; (ii) the District’s obligation to provide students with disabilities a free appropriate public education (FAPE) pursuant to the Section 504 regulation at 34 C.F.R. § 104.33; (iii) the importance of implementing student Section 504 plans and IEPs; and (iv) best practices for documenting and tracking the provision of IEP and Section 504 services.

Reporting Requirement: By **September 30, 2023**, the District will provide OCR with documentation showing that Item 2 has been implemented. The documentation will include the following information:

- a. the name(s) and qualifications of the trainer(s);
- b. the date(s) of the training(s);
- c. copies of the agenda and any training materials distributed; and
- d. a copy of the sign-in sheets of attendees, indicating name and job title.

General Requirements

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or Section 504 and Title II and their

implementing regulations, 34 C.F.R. Part 104 and 28 C.F.R. Part 35. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and its implementing regulation, 34 C.F.R. Part 104, which were at issue in this complaint.

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

/s/

05/16/2023

Superintendent or Designee

Date