

**Resolution Agreement**  
**Tooele County School District**  
**Complaint No. 08-13-1189**

In order to resolve a potential compliance concern in Case Number 08-13-1189, filed against the Tooele County School District (the District) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR) pursuant to 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 (ADA), 42 U.S.C. §§ 12131–65, and its implementing regulation at 28 C.F.R. part 35, the District agrees to implement the following Resolution Agreement.

During the course of OCR’s investigation, before OCR had made any findings regarding this potential compliance concern, the District indicated its willingness to take steps necessary to ensure compliance with Section 504 and Title II. Pursuant to Section 302 of OCR’s *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint and the OCR Office Director believes that doing so is appropriate, so long as the remedies align with the allegations. The District’s decision to enter into this Agreement is not an admission of liability or wrongdoing, nor shall it be construed as such.

1. **By January 31, 2014**, the District will convene a Team meeting for the purpose of determining whether the Student is entitled to compensatory services and, if so entitled, developing a plan for providing those compensatory services to the Student. Specifically, X – [paragraph, sentence, provision, etc.] redacted - X. The Team will then determine the type and number of hours of compensatory services that are necessary to make up for that impact, and the Team will develop a plan for providing those compensatory services to the Student within six months. The District shall promptly notify the parents in writing of the compensatory services being offered at no cost to the parents and the proposed, prompt initiation date of such services. The Team meeting will be procedurally consistent with the requirements of 34 C.F.R. §§ 104.35 and 36. The District will ensure that any decisions reflect the judgment of the Team and not the judgment of a single individual. The District will ensure that the Student’s parents are invited to the meeting and will permit the Student’s parents to invite persons knowledgeable about the child to attend the meeting. The Team will carefully consider the information provided by the Student’s parents and their invitees. The Team will include District employees who have knowledge of the matters being considered by the Team.

**REPORTING REQUIREMENT 1:**

- Within **twenty-one (21) days** of the Team meeting, the District will submit documentation to OCR that includes the following:
  - A list of the individuals who attended the meeting (by name, title, and role in the meeting).
  - Documentation of the District’s invitation to the parents to attend the Team meeting and obtain their input.

- A copy or summary of the information the Team considered in reaching its determination regarding what compensatory services are appropriate for the Student.
  - Notes from the meeting documenting that the Team carefully considered input from persons knowledgeable about the Student.
  - Documentation of the Team’s conclusions regarding the type and number of hours of compensatory services that are appropriate for the Student and the bases for those conclusions.
  - If applicable, a plan for the prompt provision of compensatory services to the Student at no cost to the parents.
  - If applicable, documentation that the parents were notified in writing of the compensatory services offered by the District.
  - Documentation that the District provided the parents with notice of the Student’s and their rights and applicable procedural safeguards under Section 504 and Title II of the ADA. Compliance with the IDEA’s requirement to provide parents with a Prior Written Notice and a copy of their Procedural Safeguards Notice will satisfy this requirement.
- If applicable, **within six (6) months** of the Team meeting, the District will submit documentation to OCR demonstrating that all of the compensatory services selected by the Team have been provided to the Student.
2. **By January 31, 2014**, the District will draft for OCR’s approval in-service training materials and identify one or more persons knowledgeable about Section 504 and Title II who will provide the training. The training will include, at minimum:
- A review of the District’s responsibility to comply with Section 504 and Title II, which state that educational institutions under OCR’s jurisdiction may not discriminate against any person on the basis of disability;
  - The District’s responsibility to provide students with disabilities a free appropriate public education (FAPE), based on Section 504’s FAPE requirements at 34 C.F.R. §§ 104.33–36, including the requirement at 34 C.F.R. § 104.33(a) and (b) that the District provide FAPE to all of its students with disabilities, regardless of the nature or severity of the disability. An appropriate education is defined as the provision of regular or special education and related aids and services that are designed to meet the individual needs of students with disabilities as adequately as the needs of non-disabled students are met, and that are developed in accordance with the procedural requirements of 34 C.F.R. §§ 104.34–104.36. Further, the training should explain that failing to properly implement *all* of the provisions in a student’s IEP or Section 504 plan constitutes a denial of FAPE;
  - The District’s responsibility to provide a FAPE to students with behavioral impairments, including how to identify students with behavioral impairments who may qualify for special education or related services, how to determine the special

education or related services that are appropriate for those students, and the District's obligation to fully implement BIPs that are included in IEPs or Section 504 plans; and

- A statement by the District that it does not tolerate disability discrimination or retaliation, that such conduct is prohibited by law, and that effective action, including disciplinary action where appropriate, will be taken.

#### REPORTING REQUIREMENT 2:

**By January 31, 2014**, the District will submit documentation to OCR demonstrating that it has fully complied with this paragraph. Such documentation will include:

- The draft training materials for OCR's review and approval.
  - Identification of the intended trainer(s) and information about the trainer's qualifications.
3. **Within sixty (60) days** of OCR's approval of the training materials, the District will schedule and conduct in-service training. Attendees at this training will include all administrators and special education teachers and staff at Stansbury High School. The District shall annually conduct the in-service training for each successive school year for the next two years or until OCR closes the monitoring of this Agreement, whichever occurs first.

#### REPORTING REQUIREMENT 3:

**Within ten (10) days** after the conclusion of the training, the District will submit to OCR proof that the training was provided. Such documentation will include:

- The agenda and handouts for the training;
- The date and time the training was held; and
- A copy of the attendance sheet from the training, including the name and title of each participant, along with a written assurance that all required attendees were present during the training.

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 Title II, which were at issue in this case. The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the recipient has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, which were at issue in 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 a minimum of sixty (60) calendar days to cure the alleged breach.

**For the Tooele County School District:**

\_\_\_\_\_/s/\_\_\_\_\_  
Dr. Scott A. Rogers  
Superintendent, Tooele County School District

\_\_\_\_12/27/2013\_\_\_\_\_  
Date