

**Voluntary Resolution Agreement
Kyrene School District
Case Number 08-13-1263**

In order to resolve the allegations in Case Number 08-13-1263 filed with the U.S. Department of Education, Office for Civil Rights (OCR) against Kyrene School District (District) pursuant to Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990, and their implementing respective regulations at 34 Code of Federal Regulations §§ 104.7 and 28 C.F.R. §§ 35.107, the District agrees to take the actions outlined in this Voluntary Resolution Agreement.

Prior to OCR's completion of its investigation and before OCR had made any findings, the District indicated its desire to voluntarily enter into an agreement to resolve the complaint allegation regarding the District's implementation of its disability discrimination grievance procedures to ensure compliance with Section 504 and Title II. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint allegation may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint, OCR believes that doing so is appropriate, and the agreement's remedies align with the allegations.

REMEDIAL ACTION

The District voluntarily agrees to take the following actions:

1. By *March 22, 2014*, the District shall review its Section 504/Title II grievance procedures to ensure that they provide for the prompt and equitable resolution of disability related complaints, including retaliation complaints consistent with 34 C.F.R. § 104.7 and 28 C.F.R. § 35.107.
2. By *March 22, 2014*, the District shall submit for OCR approval Section 504/Title II procedures that ensure the *prompt notice of the outcome of the investigation to complainants* of investigations pursuant to the equitable resolution of disability related complaints against the District, including when the required grievance investigation is conducted on the District's behalf by a third party.

Reporting Requirement Agreement Terms 1 and 2: The District will provide a copy of the final procedures to OCR in its initial monitoring report due to OCR *May 30, 2014*.

3. Within ten days of OCR's approval of the District's Section 504/Title II grievance procedures, the District will provide individual written notice to the complainant of adoption of revisions to the District's procedures for the investigation of disability discrimination complaints, including retaliation.
4. The District will maintain documentation demonstrating notification to the complainant of revisions made to pursuant to Agreement Term 3.

Reporting Requirement Agreement Terms 3 and 4: The District will provide this documentation to OCR in its initial monitoring report due to OCR *May 30, 2014*.

5. By *May 30, 2014*, the District will provide a training memorandum to all District staff. The training memorandum will instruct staff on the District's obligation to ensure a nondiscriminatory environment for students, staff and others, provide a prompt and equitable resolution to complaints of disability discrimination from students, employees, or others, including complaints

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of retaliation, and appropriate implementation of the District's Section 504/Title II grievance procedures. The training memorandum will also provide notice of the District's Section 504/Title Grievance Coordinator, including contact information.

6. By *May 30, 2014*, the District will provide OCR with documentation demonstrating that all staff received the training memorandum discussed in Agreement Term 5. Documentation provided shall include a copy of the memorandum, date distributed, and verification of receipt by staff members.

Reporting Requirement Agreement Terms 5 and 6: The District will provide this documentation to OCR in its initial monitoring report due to OCR *May 30, 2014*.

7. By *May 30, 2014*, the District will develop and implement a record keeping system designed to document the District's receipt, processing, and response to complaints of disability discrimination. Documentation will clearly and specifically document: the identity of the individuals or District Department alleged to have engaged in the discriminatory conduct, if known; the District's response, including investigation of the complaint; a summary of any remedial action taken by the District to respond to confirmed disability discrimination; and notice of the investigative findings to the complaining party.

Reporting Requirement Agreement Term 7: The District will provide a description of the record keeping system described in Term 7 to OCR in its initial monitoring report due to OCR *May 30, 2014*.

8. For each disability discrimination complaint the District receives from the date of this Agreement through school year 2013-14, the District shall provide to OCR within 60 days of completion of its investigation documentation sufficient to comply with the provisions of Agreement Term 7.

MONITORING AND REPORTING

9. By *May 30, 2014*, the District shall provide to OCR an initial monitoring report addressing Agreement terms 1 through 8 above, including supporting documentation and describing the steps the District has taken to ensure implementation of this Agreement.
10. The District shall comply with any additional OCR requests for monitoring reports as necessary until the District demonstrates full compliance with all terms of this Agreement.

ADDITIONAL ACKNOWLEDGEMENTS

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.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act of 1990 their implementing regulations at 34 C.F.R. §§ 104.7, and 28 C.F.R. §§ 35.107, which were at issue in this case.

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 the regulation implementing Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 and their implementing regulations at 34 C.F.R. §§ 104.7, and 28 C.F.R. § 35.107, which were at issue in this case.

/S/

_____ **For the District:**

3/4/2014
_____ **Effective Date:**