

RESOLUTION AGREEMENT
Vail Unified School District
Case Number 08-15-1004

In order to resolve the allegation in case number 08-15-1004, filed against the Vail Unified School District (the District) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the District agrees to implement this Resolution Agreement. This case was initiated pursuant Section 504 of the Rehabilitation Act of 1973 and its implementing regulation, which prohibit discrimination on the basis of disability in programs and activities funded by the U.S. Department of Education; and Title II of the Americans with Disabilities Act and its implementing regulation, which prohibit discrimination on the basis of disability by public entities.

This Agreement addresses OCR's finding that the District discriminated against the Student on the basis of disability by failing to implement her Section 504 plan and by failing to provide effective communication. Additionally, the Agreement addresses OCR's finding that the District did not provide a prompt and equitable resolution of the complainant's disability discrimination grievance regarding the Student.

1. The District will draft procedures providing for the prompt and equitable resolution of complaints of disability discrimination which comply with 34 C.F.R. § 104.7(b), 28 C.F.R. § 35.107 (b). The District will submit the draft disability grievance procedures to OCR for review and approval.

REPORTING REQUIREMENT: Within 45 days after this Agreement is signed, the District will submit to OCR for review and approval the above-mentioned grievance procedures.

2. The District will consider and respond to any feedback from OCR with respect to the draft disability grievance procedures. After obtaining OCR's approval, the District will publish the disability grievance procedures in a place where they can be readily located by interested parties (e.g., the District's website, school websites, and student and parent handbooks).

REPORTING REQUIREMENT: Within 30 days of obtaining OCR's approval of the disability grievance procedures, the District will provide OCR documentation that shows where the procedures have been published (e.g., links to public websites and copies of handbooks).

3. The District will document the implementation of the approved disability grievance procedures.

REPORTING REQUIREMENT: After the end of each academic semester, the District will submit a report to OCR indicating whether it received any disability grievances from any party during the preceding semester. For any grievances received, the District will provide OCR documentation that includes a copy of the grievance, documentation of any investigation conducted, the results of the investigation, steps taken to resolve the grievance, and any communication with the parties about the outcome. The reports will be submitted to OCR by each January 15 and June 15 while the monitoring of term 1, 2, 4, or 6 of this Agreement remains open.

4. The District will hold a conference with the Student's parents by August 15, 2015, and annually thereafter, to develop a plan for effective communication with the Student, particularly for testing situations. The conference will include, at minimum, a school administrator, the Student's primary teacher, the school's Section 504 coordinator, the Student (if age-appropriate), and the individual responsible for ensuring that large-print testing materials are available. The plan will be designed to provide effective communication consistent with the Title II regulation at 28 C.F.R. § 35.160, and will identify any auxiliary aids that are necessary for effective communication with the Student, as well as a schedule of all standardized tests expected to be administered during the school year (including but not limited to benchmarks, AzMerit, and placement tests).¹

REPORTING REQUIREMENT: By August 31, 2015, the District will provide OCR documentation of the conference and the plan for effective communication. The documentation will include the date and time of the meeting and a list of attendees; a written copy of the plan; and a schedule of testing including approximate dates of administration.

5. The District will contact the complainant at least two school days prior to administering any standardized test to the student to communicate the steps that are in place to comply with the plan for effective communication.

REPORTING REQUIREMENT: At the end of each academic semester, the District will submit a report to OCR that lists the date each standardized test was administered, the date the complainant was contacted, the name of the person who made the contact, the method of contact, and if the contact was by written correspondence, a copy of the correspondence. The reports will be submitted to OCR by each January 15 and June 15 while the monitoring of term 1, 2, 4, or 6 of this Agreement remains open.

6. The District will reimburse the complainant in the amount of \$XXX for the cost of the online advanced math class plus the cost of any required text or materials documented to the District by the complainant.

REPORTING REQUIREMENT: Within 60 days after this Agreement is signed, the District will provide OCR documentation of payment to the complainant (e.g., a copy of a check).

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, 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 regulations implementing Section 504 and Title II at 34 C.F.R. §§ 104.7(b) and 104.33; and 28 C.F.R. §§ 35.103(a), 35.107(b), 35.130(b)(1)(ii) and (iii), and 35.160.

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

¹Guidance on effective communication from OCR and the U.S. Department of Justice is available at <http://www.ed.gov/ocr/docs/dcl-faqs-effective-communication-201411.pdf>.

regulations implementing Section 504 and Title II at 34 C.F.R. §§ 104.7(b) and 104.33; and 28 C.F.R. §§ 35.103(a), 35.107(b), 35.130(b)(1)(ii) and (iii), and 35.160.

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 Vail Unified School District:

Mr. Calvin Baker
Superintendent

Date