

RESOLUTION AGREEMENT

Maryvale Union Free School District OCR Case No. 02-20-1186

In order to resolve Case Number 02-20-1186, the Maryvale Union Free School District (District) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the following actions pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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 (the ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

Action Items:

- By August 15, 2020, the District will convene a meeting of a group of persons knowledgeable about the Student, the meaning of the Student's evaluation data, and placement options, such as the Committee on Special Education (CSE), to determine the appropriate special education placement for the Student for school year 2020-2021. The group will also determine whether the Student requires any remedial and/or compensatory educational services and/or speech therapy services due to any failure to provide the educational services and/or speech therapy services required by the Student's Individual Educational Program (IEP) for school year XXXX-XXXX. If the group of knowledgeable persons determines that the Student requires remedial and/or compensatory services, the group will develop a plan for providing such services; with a completion date for providing the services not to extend beyond December 31, 2020. The District will invite the Student's parent/legal guardian to attend this meeting and otherwise adhere to 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. If the Student's parent/guardian fails to respond or indicates an unwillingness to attend the CSE meeting, the District will note this information in its reporting requirement; however, the District will convene the CSE meeting and make the above recommendations/determinations based on the information available to the CSE in the parent/guardian's absence.
- By August 31, 2020, the District will ensure that the Student has been enrolled in the special education placement that the group deemed appropriate for the Student for school year XXXX-XXXX.
- If the Student refuses to attend and/or the Student's parent/guardian refuses to permit the Student to attend the placement recommended by the CSE, the District will note this information in its reporting requirement.

Reporting Requirements:

- (a) By August 31, 2020, the District will submit to OCR: (a) a copy of the meeting minutes or similar documentation from the meeting conducted consistent with the Action Item above, including an explanation for all decisions made; (b) the plan for providing any remedial and/or compensatory services to the Student, if determined necessary; and, (c)

documentation demonstrating that the District provided notice of and invited the Student’s parent/legal guardian to the meeting. 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.

By September 15, 2020, the District will provide documentation to OCR demonstrating that the Student has enrolled in the special education placement that the group deemed appropriate for the Student for school year XXXX-XXXX. If the Student refuses to attend, and/or the Student’s parent/guardian refused to permit the Student to participate in the placement recommended by the CSE, the District will note this information in its reporting requirement.

- (b) By January 15, 2021, if the Student is determined to require remedial and/or compensatory services, the District will provide documentation to OCR of the dates, times, and locations that any remedial and/or compensatory services were provided to the Student, and the name(s) of the service provider(s). If the Student refuses to attend and/or the Student’s parent/guardian refused to accept the remedial and/or compensatory services that were offered to the Student, the District will note this information in its reporting requirement.
- (c) In the event the District closes or instruction and services are limited due to the COVID-19 pandemic, the District and the Student’s parent/guardian will meet (virtually or otherwise) to discuss an alternative arrangement to deliver the special education placement to the Student, and/or the remedial and/or compensatory services to the Student, and/or to provide them to the Student virtually.

The District understands that by signing this resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the District understands that during the monitoring of the resolution 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 resolution agreement. Upon the District’s satisfaction of the commitments made under the resolution agreement, OCR will close this case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the 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.

This Agreement will become effective immediately upon the signature of the District’s representative below.

7/31/20

/s/

Date

Authorized Representative
Maryvale Union Free School District