

**Resolution Agreement
Davis School District
Complaint No. 08-14-1066**

In order to resolve the open allegations in Case Number 08-14-1066, filed against Davis School 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 (Section 504) 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. §§ 12131–65, 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, 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, OCR believes that doing so is appropriate, and the remedies align with the allegations. The District’s decision to enter into this Agreement is not an admission of liability or wrong-doing, nor shall it be construed as such.

1. The District will draft for OCR’s review and 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 a minimum:
 - a) A review of the District’s responsibility to comply with Section 504 and Title II, which state that education institutions under OCR’s jurisdiction may not discriminate against any person on the basis of disability.
 - b) The prohibition against disability discrimination, including retaliation, and an explanation of what constitutes disability discrimination, including retaliation;
 - c) 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 requirement of 34 C.F.R. §§ 104.34-36. Further, the training should explain that one of the ways in which a district can inappropriately deny a student a FAPE is by failing to properly implement all of the provisions in a students’ IEP or Section 504 plan, including a behavior plan; and

- d) 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 #1: By **April 20, 2014**, the District will submit documentation to OCR demonstrating that it has fully complied with this paragraph. Such documentation will include:

- i) The draft training materials for OCR's review and approval.
 - ii) Identification of the intended trainer(s) and information about the trainer's qualifications for OCR's review and approval.
2. Within sixty (60) days of OCR's approval of the training material and the trainer(s), the District will schedule and conduct in-service training. Attendees at this training will include all staff and administrators at Viewmont High School.

REPORTING REQUIREMENT #2: 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:

- i) The agenda and handouts for the training;
 - ii) The date and time the training was held; and
 - iii) A copy of the attendance sheet from the training, including the name and title of each participant, along with a written assurance from Viewmont High School principal that all required attendees were present during the training.
3. The District assures OCR that it will provide annual training and reminders at meetings and through notices to all district Building 504 Coordinators about 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. Further, the training should explain that one of the ways in which a district can inappropriately deny a student a FAPE is by failing to properly implement all of the provisions in a student's IEP or Section 504 plan, including a behavior plan; and all training sessions will contain 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.

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.

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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 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 the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) days to cure the alleged breach.

Davis School District

Dr. Bryan Bowles
Superintendent

Date