

## RESOLUTION AGREEMENT

### Chandler Unified School District OCR Case Number 08-14-1231 & 08-15-1012

The Complainant filed complaints alleging that Chandler Unified School District (District) discriminated on the basis of disability. Specifically, the Complainant alleged that the District failed to adequately respond to a complaint of peer disability harassment at Chandler Traditional Academy Liberty School (School).

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department; and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. The District is subject to these laws and regulations.

Before OCR made findings, the District indicated its willingness to take the steps needed to comply with Section 504 and Title II. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint can be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the allegations. This agreement does not mean that the District has admitted to a violation or that OCR has found a violation.

The District agrees to take the following actions:

1. The District will draft for OCR's review and approval in-service training materials regarding responding adequately and timely to a complaint of disability harassment. The District will identify one or more persons knowledgeable about the District's policies and procedures on harassment and grievance procedures to provide this training. The training will be conducted at the School by the end of the 2014-2015 school year within the parameters established by the reporting requirements for this term and will continue to be included in the School's notices to staff and/or in-service training schedule on an annual basis. The training will include, at minimum, a review of:
  - a. The District's responsibility to comply with Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act and their regulations concerning investigations of disability harassment;
  - b. The District's requirement to take immediate and effective steps to end disability harassment when it occurs, prevent its recurrence, and remedy its effects in alignment with 34 C.F.R. § 104.7, and 28 C.F.R. § 35.107.
  - c. Recognizing a disability harassment complaint, whether filed formally or informally;
  - d. Properly redressing disability harassment, including not taking action to punish (or cause a perception of punishing) the victim of the disability harassment and not making unilateral decisions for matters that are proper for a Section 504/IEP team determination in an effort to redress disability harassment.

REPORTING REQUIREMENT 1.1: By **March 1, 2015**, the District will provide to OCR its draft training materials, identify the name and title of the trainer, and provide documentation that the trainer is qualified to present on the District's policies and procedures on harassment and its grievance procedures as well as on the topic of responding adequately to complaints of disability harassment.

REPORTING REQUIREMENT 1.2: Within **20 days** of OCR's approval of the identified trainer and the training materials, the District will provide administrator and staff training at the School. Attendees at this training will include all staff and administrators including teachers, educational paraprofessionals, recess and cafeteria monitors, and building administrators.

REPORTING REQUIREMENT 1.3: Within **10 days** after 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 from the District that all required attendees were present during the training.
2. The District will convene a Section 504/IEP re-evaluation team (that includes the parents) to determine the Student's compensatory education needs as a result of harassment incident(s). The team will also consider the Student's need, if any, for counseling services as a result of the disability harassment and the need, if any, to amend the safety plan for the Student that was implemented in July, 2014. The team must take the following into consideration when developing the safety plan for the Student:
- a. The District's responsibility to provide the Student a free appropriate public education in an environment that protects his safety and provides a plan for avoiding and addressing any harassment;
  - b. How the District will educate District employees responsible for implementing a safety plan for the Student and how it will clearly delineate each employee's responsibility to ensure that the Student is not subjected to harassment based on disability;
  - c. How the District will identify and remove or separate students who engage in harassing behavior towards the Student as necessary for the Student's safety;
  - d. How the District will account for the Student's communication issues and difficulties with social interactions when developing and implementing a safety plan for the Student;
  - e. The District's responsibilities to ensure that the Student is educated in the regular education environment to the maximum extent appropriate to his safety needs;
  - f. How the District will identify and implement controls for the interaction of the three students who were suspended for harassment incident(s) toward the student and that staff have monitored these three students' interactions with the Student.

REPORTING REQUIREMENT 3.1: By **March 1, 2015**, the District will submit to OCR the evaluation team meeting notes; the participant sign-in sheet; and a summary of the topics discussed, decisions of the team, and all changes to the Section 504 Plan or IEP as a result of this meeting or further follow-up evaluation. If compensatory educational services are deemed necessary, the District will develop a plan for providing those necessary services and identify a completion date for providing such services. The District will also submit to OCR a copy of the safety plan developed by the Section 504/IEP re-evaluation team, and documentation concerning what, if any, counseling services will be provided.

REPORTING REQUIREMENT 3.2: By **August 1, 2015**, the District will provide evidence to OCR that any necessary compensatory services have been provided to the Student as described in the compensatory educational services plan identified in Reporting Requirement 3.1.

3. The District will verify that it has communicated all its prior investigative findings and corrective actions to the Student's parents involving any alleged disability harassment claims Student's parents made between the dates of June 1, 2014 through January 1, 2015. The District will also submit to OCR documentation of all disability harassment or bullying claims made from January 15, 2015 to December 1, 2015 involving students at the School, including a copy or notes regarding any complaint made, interview notes, investigative reports and findings, and notice to parents.

REPORTING REQUIREMENT 4: By **June 1, 2015** and on **January 15, 2016**, the District will submit to OCR the results, findings and specific corrective action taken for all investigations into alleged disability harassment towards the Student during the 2013-2014 and 2014-2015 school years and during District summer intersessions or programs. The District will also submit documentation of its investigative findings regarding any disability harassment claims made regarding the Student or other School students made from January 15, 2015 to December 1, 2015.

4. The District will conduct training to the School's 1<sup>st</sup> grade students regarding bullying and appropriate behavior.

REPORTING REQUIREMENT 5.1: By **March 1, 2015**, the District will submit:

- The draft training materials for OCR's review and approval, and
- Identification of the intended trainer(s) and information about the trainer's qualifications.

REPORTING REQUIREMENT 5.2: Within **20 days** of OCR's approval of the training materials, the District will provide the student training at the School. Attendees at this training, at minimum, will include all the School's 1<sup>st</sup> grade students for SY 2014-2015 and staff who interact with or have duties involving the Student, including administrators, teachers, educational paraprofessionals, and service providers.

REPORTING REQUIREMENT 5.3: Within **10 days** after 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 written assurance from the District that all required attendees were present during the training.
5. The District will develop training materials for the School staff on the autism spectrum and how to support students with this disability in the classroom and in the School.

REPORTING REQUIREMENT 6.1: By **March 1, 2015**, the District will submit:

- The draft training materials for OCR's review and approval, and
- Identification of the intended trainer(s) and information about the trainer's qualifications.

REPORTING REQUIREMENT 6.2: Within **20 days** of OCR's approval of the trainer and the training materials, The District will provide staff training at the School. Attendees at this training will include all School staff and administrators who interact with or have duties involving the Student, including administrators, teachers, educational paraprofessionals, and service providers, as well as all classroom teachers. Within **10 days** of the training, the District will provide a written statement that the training occurred.

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 regulations implementing Section 504 at 34 C.F.R. § 104.7, and Title II at 28 C.F.R. §§ 35.106-35.107, 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 District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II.

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) calendar days to cure the alleged breach.

For the Chandler Unified School District:

/s/

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Superintendent

\_\_\_\_\_2/17/2015\_\_\_\_\_  
Date