

Resolution Agreement

Gilbert Public Schools OCR Case No. 08-15-1044

In order to resolve an allegation raised in OCR Case Number 08-15-1044, filed against Gilbert Public Schools (the 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 and its implementing regulation at 34 C.F.R. part 104, and Title II of the Americans with Disabilities Act of 1990 (ADA), 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* (CPM), a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint and the OCR Office Director believes that doing so is appropriate, so long as the remedies align with the allegations. Pursuant to Section 302 of OCR's CPM, the District agrees to implement this Resolution Agreement and take the following actions:

1. The District will review and revise its Board Policy JJJ and any related policies in accordance with Section 504 and Title II. More specifically, Board Policy JJJ should be updated to more clearly explain that an exception will be made for students with disabilities who are retained because of their disabilities or when necessary to accommodate a student's disability. For example, the District could insert additional language to bullet 7 of the Policy that explains: Exceptions will be granted if a student is retained because of the student's disability or if the IEP or Section 504 team determines participation in sports would be appropriate for the student to receive a FAPE.

REPORTING REQUIREMENT:

- By June 1, 2015, the District will provide for OCR's review and approval a copy of the proposed Board Policy JJJ and any related procedures. The District will then work in good faith with OCR to make revisions as necessary to ensure OCR approval.
2. Within 30 days of OCR's approval of the proposed Board Policy JJJ and any related procedures, the District will adopt and publish the revised Board Policy JJJ and any related procedures. Publication must include all District websites and other places used by the District to publish materials.

REPORTING REQUIREMENT:

- Within 60 days of OCR's approval of the revised Board Policy JJJ and any related procedures, the District will provide documentation that these were adopted and published.
3. After the approval of the revised Board Policy JJJ and any related procedures, the District will provide training to all administrators and the Section 504 coordinator at all Junior High Schools on Board Policy JJJ and any related procedures.

REPORTING REQUIREMENT :

- Within 30 days of the approval of the revised Board Policy JJJ and any related procedures, the District will provide OCR with a copy of the proposed training materials and identification of the trainer for OCR's review and approval.
- Within 60 days of OCR's review and approval of the training materials, the District will provide a copy of the agenda for the training, a copy of the related handouts provided during or before the training, a sign-in sheet for those who attended the training, and written assurance that all required individuals attended the training.

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 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 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12131-65 and their implementing regulations, 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 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.

For Gilbert Public Schools:



Dr. Christina M. Kishimoto
Superintendent, Gilbert Public Schools

11-09-2010
Date