

RESOLUTION AGREEMENT

Phoenix Union High School District

OCR Case Number 08-15-1111

In order to resolve the open allegation in Case Number 08-15-1111 filed with the U.S. Department of Education, Office for Civil Rights (OCR) against Phoenix Union High School District, pursuant to 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 at 34 C.F.R. § 104.61 and 28 C.F.R. § 35.134, the District agrees to implement the following Resolution Agreement. The District enters into this Agreement voluntarily in order to resolve the allegations and does not admit any wrongdoing.

- 1) The District will develop procedures regarding any communication or access restrictions for parents violating District Policy KFA to ensure that future restrictions are not implemented in retaliation for activities protected by Section 504 and Title II. The procedures will:
 - allow for a parent of a student with a disability to participate in educational meetings for the Student;
 - Provide criteria for determining whether a communication and/or access restriction is necessary;
 - Require written notification to the parent describing the reason for the restriction(s);
 - Set a time period for the application of the restriction;
 - Provide standards for reviewing and determining whether a parental restriction should be extended;
 - Include a recordkeeping system on parental communication or access restrictions, including the names of parents, reason for the restrictions, and duration of the restrictions.

REPORTING REQUIREMENTS

- By July 1, 2015, the District will provide OCR with a copy of the proposed procedure for communication and/or access restrictions for OCR's review and approval.
 - Within 60 days of OCR's approval of the District's procedure, the District will provide documentation supporting that the OCR- approved procedure has been adopted. The District will provide notice of the procedure, including website links demonstrating the procedure is available on the District's website.
- 2) The District will provide training to all School administrators and staff on the OCR-approved procedure regarding restricting access and/or communication with parents and prohibiting retaliation.

REPORTING REQUIREMENTS

- Within 60 days of OCR's approval of the procedure in Item 1, the District will provide OCR with a copy of the proposed training agenda, the name of the person who will provide the training, a copy of all proposed handouts and training materials, and a list of School administrators and staff required to attend the training, for OCR's review and approval.

- Within 60 days of approval of the proposed training, the District will conduct the training and provide OCR with a copy of the sign-in sheet for those attending the training and certify that all School administrators and staff completed the training or were given notice of the approved procedures.
- 3) The District will apply its new procedures to the Complainant's circumstances to determine whether his communication or access will be restricted in the 2015-16 school year.

REPORTING REQUIREMENTS

Within 60 days of the approval of the procedure, the District will provide documentation that it applied the approved procedures to the Complainant's circumstances, and notify OCR of its decision of whether the Complainant's access and communication will continue to be restricted during SY 2015-16, the basis for any such continued restriction, and the duration of any such continued restriction. The District will provide a copy of the notice provided to the Complainant regarding its determination of any access and communication restrictions or expectations. If the District determines not to further restrict the Complainant's access or communication, the District will provide notification to the Complainant of its decision.

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 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 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 at 34 C.F.R. § 104.61 and 28 C.F.R. § 35.134, which were at issue in this case.

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 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 at 34 C.F.R. § 104.61 and 28 C.F.R. § 35.134, which were at issue in this case.

/s/

Superintendent, Phoenix Union High School District

Date