

**Resolution Agreement
Deer Valley Unified School District
Complaint No. 08-15-1151**

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 allegations and issues, and OCR determines that it is appropriate to resolve them with an agreement during the course of an investigation. 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.

In order to resolve the open allegations in Case Number 08-15-1151, filed against Deer Valley Unified School District ("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.

RESOLUTION ACTION

1. Anti-Retaliation Training

The District shall provide training to the XXXX at XXXX School, the XXXX who supervises the aforementioned XXXX, XXXX, the Principal at XXXX School, and Assistant Principal at XXXX School on the non-retaliation provisions of Section 504 and Title II. Prior to conducting the training, the District will provide OCR with the training materials and qualifications of the trainer.

REPORTING REQUIREMENT:

Within 90 days of receiving OCR's approval of the training materials and qualifications of the trainer the District will conduct the training.

No later than December 31, 2015, the District will provide OCR with a copy of materials distributed at the training and verification of the attendees of the training session.

2. Future observations of the Student's speech therapy

The District shall provide the complainant with equal access to observe any of the Student's

XXX therapy sessions¹ consistent with the District’s Board Policies, the District’s Administrative Management Guidelines, and applicable school-level policies. Additionally, in determining whether requests for such visits shall be approved, the District shall also consider the whether the parent needs to observe XXXX program being utilized for the Student’s therapy in order to assist with home practice².

REPORTING REQUIREMENT:

The District will provide OCR with documentation of any requests by the Complainant to visit or observe the Student’s speech therapy sessions, and the District’s response to such requests for the 2015-2016 school year. The District will provide such documentation within 30 days of the Complainant’s request. OCR will review these requests and the District’s responses to ensure compliance with this resolution agreement.

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 the Agreement, if necessary, OCR may visit the District, interview District employees 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 and Title II, which were at issue in this case.

The District understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the District has fulfilled the terms of the Agreement and is in compliance with the statute(s) and regulations that 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 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.

For Deer Valley Unified Schools:

/S/
[SIGNATURE OF APPROVING OFFICIAL]

8/11/2015

[DATE]

¹ OCR understands that the Complainant has enrolled the Student in a private placement. This term of the agreement assumes that the Student re-enrolls with the District and is receiving the same or similar XXXX services that he received at the time of the original complaint.

² The Student’s prior XXXX therapy program encouraged at home practice to reinforce the lessons taught in the therapy sessions. If the Student were to return to the District, OCR recognizes that a different therapy program may be utilized.