

## **RESOLUTION AGREEMENT**

### **Kayenta Unified School District OCR Case Number 08-15-1220**

In order to resolve the open allegation in OCR Case number 08-15-1220 filed with the U.S. Department of Education, Office for Civil Rights (OCR) against Kayenta Unified 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. §§ 104.7 & 104.8 and 28 C.F.R. §§ 35.106 & 35.107, the District agrees to implement this 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 a notice of non-discrimination, notice of compliance officer, and grievance procedures to address allegations of disability discrimination, in accordance with the requirements of Section 504 and Title II.

#### **REPORTING REQUIREMENTS**

- By November 1, 2015, the District will provide OCR with a copy of the proposed draft notices and procedures for OCR's review and approval.
  - Within 60 days of OCR's approval of the District's notices and procedures, the District will provide documentation supporting that the OCR approved notices and procedures have been adopted. The District will provide notice of the OCR approved notices and procedures, including website links demonstrating the procedure is available on the District's website.
- 2) The District will provide notice to all parents, students, administrators and staff on the OCR approved notices and procedures discussed in Item 1.

#### **REPORTING REQUIREMENTS**

- Within 60 days of OCR's approval of the notices and procedures in Item 1, the District will provide OCR with a copy of all of the locations the notices and procedures will be published. Including student/parent handbooks and District websites.
- Within 60 days of OCR's approval of the notices and procedures in Item 1, the District will email all District staff and administrators copies or links of the approved notices and procedures.

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/

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Superintendent, Kayenta Unified School District

8/19/2015

\_\_\_\_\_  
Date

/s/

\_\_\_\_\_  
Governing Board President, Paymond Laughter

8/20/2015

\_\_\_\_\_  
Date