

## **Resolution Agreement**

### **Gilbert Unified School District OCR Case No. 08-16-1176**

In order to resolve an allegation in OCR Case Number 08-16-1176, filed against Gilbert Unified School 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 terms of this Resolution Agreement.

#### **Staff Training**

1. During the 2017-2018 school year, the District will annually train the staff members at XXXX School who are responsible for reporting and responding to disability harassment and bullying complaints. The training will include a description of prohibited disability harassment, the obligation of staff to refer potential disability harassment complaints to the school administration, the obligation of staff to refer potential disability harassment complaints to the District Compliance Officer in accordance with the approved District policy and procedure, and training regarding investigating disability harassment complaints.

#### **Reporting Requirements:**

By December 15, 2017, the District will provide to OCR, for OCR's review and approval: (1) the draft training materials; (2) a list of the names and titles of District and School employees and administrators who participated in the training session; and (3) the name and title of the trainer, along with a description of the trainer's background and qualifications regarding Section 504 and the District's policies and procedures addressing disability harassment

Within 30 days of OCR's approval of the training materials, trainer and attendees, the District will provide documentation to OCR demonstrating that the District has initiated annual training pursuant to the Action Item above. The documentation shall include: (1) the date of the training sessions(s); (2) a list of the names and titles of School employees who participated in the training session, along with a copy of the sign-in sheet; (3) ; (4) a copy of the agenda and the training materials disseminated; and (5) certification that the materials were provided to any staff unable to attend the training due to an emergency or other excused absence.

2. The District will conduct investigations of each of the Complainant's disability harassment/bullying complaints regarding disability harassment of her daughter by students at the School. The investigation report must demonstrate that the District gathered information from relevant individuals; conducted relevant interviews with

District and School staff and administrators, the Student, students, and any other witnesses; applied appropriate legal standards, including a determination of whether any disability harassment/bullying created a hostile environment; and proposed appropriate remedies to resolve any disability harassment found and to eliminate a hostile environment, prevent its recurrence, and remedy its effects.

**Reporting Requirement #2:**

- By **November 15, 2017**, the District will provide its draft written investigation reports, supporting documentation, and any proposed remedies, if appropriate, to OCR for review.
- Within 30 days of OCR's approval of the draft investigation report, the District will provide documentation that it provided the parties with written investigation findings and has begun implementing any required remedies.

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.

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 regulation implementing Section 504 and Title II, which 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 Gilbert Unified School District:**

/s/

9/27/17

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[Name]  
[Title]

Date