

RESOLUTION AGREEMENT
Phoenix Union High School District
Case Number 08-16-1351

Phoenix Union High School District (the District) enters into this agreement to resolve the allegations in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation, which prohibit discrimination on the basis of disability in programs and activities funded by the U.S. Department of Education; and Title II of the Americans with Disabilities Act and its implementing regulation, which prohibit discrimination on the basis of disability by public entities.

Prior to the completion of OCR's investigation, the District agreed to resolve the issue of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issue of this investigation, the District agrees to take the following actions.

Admission and Application Policies and Forms

1. The District will revise its policies and procedures as needed regarding admission to its Small/Specialty Schools¹ to ensure that the policies and procedures conform to the regulations implementing Section 504 and Title II. Specifically, the revisions to the policies and procedures shall ensure that students with disabilities are not discriminated against during the application, admission, and enrollment process, and that students with disabilities (and those seeking to attend) have the same rights under Section 504 and Title II as other public school students without disabilities.²

REPORTING REQUIREMENT: By November 1, 2018, the District will submit to OCR a copy of the policies and procedures for OCR's review and approval.

2. The District will consider and respond to any feedback from OCR with respect to the policies and procedures referenced in Item 1. After obtaining OCR's approval, the District will officially adopt the policies and procedures and publish them using its standard methods for disseminating new information that is important to students, parents/guardians, employees, and other members of the public. At a minimum, the procedures will be available on the enrollment section of the District's website.

REPORTING REQUIREMENT: Within 60 days of obtaining OCR's approval of the policies and procedures, the District will provide OCR with documentation showing that the policies and procedures have been officially adopted and where they have been published.

¹ Including Phoenix Coding Academy, Franklin Police and Fire High School, Camelback Montessori College Preparatory, Phoenix Union Bioscience High School, Wilson College Prep, and Maryvale Gifted and Talented Academy. For purposes of this Agreement, the District is voluntarily including Metro-Tech High School.

² For guidance on developing admissions policies and procedures that are nondiscriminatory, the District may refer to <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-faq-201612-504-charter-school.pdf>.

3. The District will revise the applications for its Small/Specialty Schools, including the Magnet/Specialty School/Open Enrollment form, as well as specific forms used by each school identified in Item 1, to remove any questions related to a student's disability, including questions related to the receipt of special education services, and include a notice that the District does not discriminate on the basis of disability in the Small/Specialty School admission process. The District will provide draft copies of the applications to OCR for review and approval.

REPORTING REQUIREMENT: By November 1, 2018, the District will submit to OCR for review and approval draft copies of all forms required to apply for admission for its Small/Specialty Schools.

4. The District will consider and respond to any feedback from OCR regarding the draft applications referenced in Item 3. After obtaining OCR's approval, the District will publish the revised applications.

REPORTING REQUIREMENT: Within 60 days of obtaining OCR's approval for the application forms, the District will provide OCR with documentation showing that the revised applications have been implemented (e.g., website addresses where the new applications can be located, copies of application materials made available to applicants, handbooks, etc.).

Training

5. The District will develop training to be provided to faculty and staff at each Small/Specialty School identified in Item 1 who are responsible for admission and enrollment to ensure that students are not discriminated against during recruitment, application, admission, enrollment, or disenrollment. Specifically, the training will include information about the prohibited practice of discouraging prospective students from applying or enrolling in a Small/Specialty School on the basis of a student's disability (or perceived disability) or the fact that a student has an IEP or Section 504 Plan. Training shall also include a reminder that any school site or educational placement decisions for students with disabilities must be individualized decisions determined by the appropriate Section 504 or IEP team consistent with the FAPE requirements of 34 C.F.R. §§ 104.34 and 104.35. The District will provide the proposed training materials to OCR for review and approval.

REPORTING REQUIREMENTS: Within 60 days of obtaining OCR's approval of the policies and procedures and application materials referred to in Items 1 and 3, the District will provide OCR with a copy of the proposed training materials, including a list of individuals identified to receive the training, by name and title; the name, title, and qualifications of the proposed trainer; and any handouts or presentations developed.

6. The District will consider and respond to any feedback from OCR with respect to the proposed training materials referenced in Item 5. After obtaining OCR's approval, the District will provide the training to all faculty and staff at each Small/Specialty School who are responsible for admission and enrollment.

REPORTING REQUIREMENT: Within 60 days of obtaining OCR's approval of the training materials referred to in Item 5, the District will provide documentation that the training has been provided to all the required faculty and staff. The documentation will include a copy of the training materials used, and documentation, such as sign in sheets including names and titles, that shows that all of the required faculty and staff received the training.

7. The District will develop training on Section 504 to be provided to anyone involved in placement decisions for students with disabilities at the Small/Specialty Schools identified in Item 1, regarding the procedural requirements of Section 504. The training will include information that any placement decisions after selection of students with disabilities at the Small/Specialty School must be individualized decisions determined by the appropriate Section 504 or IEP team consistent with the FAPE requirements of 34 C.F.R. §§ 104.34 and 104.35. The District will provide the proposed training materials to OCR for review and approval.

REPORTING REQUIREMENTS: Within 60 days of obtaining OCR's approval of the policies and procedures and application materials referred to in Items 1 and 3, the District will provide OCR with a copy of the proposed training materials, including a list of individuals identified to receive the training, by name and title; the name, title, and qualifications of the proposed trainer; and any handouts or presentations developed.

8. The District will consider and respond to any feedback from OCR with respect to the proposed training materials referenced in Item 7. After obtaining OCR's approval, the District will provide the training to all anyone involved in placement decisions for students with disabilities at the Small/Specialty Schools.

REPORTING REQUIREMENT: Within 60 days of obtaining OCR's approval of the training materials referred to in Item 7, the District will provide documentation that the training has been provided to all the required faculty and staff. The documentation will include a copy of the training materials used, and documentation, such as sign in sheets including names and titles, that shows that all of the required faculty and staff received the training.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, 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 regulations implementing Section 504 and Title II at 34 C.F.R. §104.11; and 28 C.F.R. § 35.130(a). Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below.

For Phoenix Union High School District:

/s/

Name	Title	Date
Chad E. Gestson, Ed.D.	Superintendent	8/29/18