

RESOLUTION AGREEMENT
Provo City School District
OCR Case Number 08-16-1359

In order to resolve OCR case number 08-16-1359, filed against the Provo City School District (District) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the District agrees to implement this Resolution Agreement. This case was initiated pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35.

The District's decision to enter into this Agreement is not an admission of liability or wrongdoing, nor shall it be construed as such.

1. The District will submit a report regarding each student in the XXXX Class taught by XXXX at Oak Springs School from XXXX to XXXX with the following information:
 - The name of the student
 - A copy of any 504, IEP, health or behavior plan, if any, in place for each student during this time period.
 - State whether the student received the required instruction on the 504, IEP, health or behavior plan, if any, from a qualified special education teacher.

For any student who did not receive the necessary special education instruction from a qualified special education teacher, the District will convene a team of persons knowledgeable about the student and special education instruction, including the students' parents, to individually assess the amount of compensatory services, if any, for each student and, if necessary, draft an action plan containing proposed compensatory services or remedial measures that will be offered or taken, the specific timelines for implementation, and the person(s) responsible for overseeing full and timely implementation. Should the District determine that no compensatory services are necessary, the District will provide a written explanation of the reasons for that determination, along with any supporting documentation, for OCR's review and approval.

REPORTING REQUIREMENT: Within 60 days from the date of this Agreement, the District will submit documentation that meets the requirements of Term 1. For any proposed compensatory services or remedial measures, the District will submit its proposed compensatory services or remedial measures to OCR for review.

2. The District will consider and respond to any feedback from OCR with respect to the proposed compensatory services or remedial measures in Term 1. After the proposed compensatory services or remedial measures are accepted, the District will provide or begin providing the compensatory services or take the remedial measures.

REPORTING REQUIREMENT: Within 30 days from the date of OCR's acceptance of the proposed compensatory services or remedial measures, the District will provide

documentation that it has provided or is in the process of providing the compensatory services or remedial measures. For compensatory services and remedial measures that will occur over time, the District must submit documentation regarding the specific timelines for implementation, the person(s) responsible for overseeing full and timely implementation, and supporting documentation establishing that the compensatory services and remedial measures are being provided as specified. The case will remain in monitoring until all compensatory services and remedial measures have been provided in full.

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 and is in compliance with the regulations implementing Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, 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 sixty (60) calendar days to cure the alleged breach.

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 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990.

For Provo City School District:

/s/

Superintendent

Date