

RESOLUTION AGREEMENT

Gilbert Public Schools OCR Case Number 08-17-1111

In order to resolve allegations in OCR case number 08-17-1111, filed against the Gilbert Public Schools 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 investigation was initiated pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), and its implementing regulation at 34 C.F.R. §§ 104.4, 104.7-104.8, 104.33-104.35, and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. §§ 35.106-35.107 and 35.130.

1. The District will conduct investigations of the four complaints (10/7/16, 11/13/16, 12/13/16, and 12/19/16) filed by the Student's parents with the District and provide a report of the investigation, including the District's findings. The report(s) must demonstrate that the District gathered information from relevant individuals; conducted relevant interviews with District staff, the Student, and any other witnesses; applied appropriate legal standards; and proposed appropriate remedies to resolve any discrimination found.

REPORTING REQUIREMENTS:

- By June 1, 2017, the District will provide its draft written investigation report 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.
2. The District will hold an IEP team meeting and determine whether the Student requires compensatory services for any failure to implement the Student's IEP, specifically in the areas of providing bi-weekly reports, allowing retake of tests, and providing special education minutes. The District will ensure that the IEP team is a team of persons knowledgeable about the Student (including the Student's parents), the evaluation data, and the placement options. The IEP team will assess the amount of compensatory services, if any, that would be appropriate for the 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. The District will provide Student's parents with a meaningful opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

REPORTING REQUIREMENT:

- By June 1, 2017, the District will provide meeting minutes, a copy of any IEP developed for the student, documentation of any input provided by the Student's parents and showing that procedural safeguards were provided to them, and any other documentation relevant to the determinations reached in accordance with this Paragraph. Should the District determine that no compensatory education or other remedial services were necessary, the District will provide a written explanation of the reasons for that determination, along with any supporting documentation. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations, and notify the District when it has completed this review.ⁱ

3. After OCR has reviewed and accepted the determinations of the IEP team, the District will take steps to implement the compensatory services, if any, agreed upon by the IEP team.

REPORTING REQUIREMENT:

- Within 30 days from the date of OCR's acceptance of the proposed compensatory services (if any) 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. If the Student is to receive compensatory services, 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 at 34 C.F.R. §§ 104.7-104.8, and 104.33 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. §§ 35.106-35.107 and 35.130, 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 regulation implementing Section 504 of the Rehabilitation Act of 1973 at 34 C.F.R. §§ 104.7-104.8, and 104.33-104.35 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. §§ 35.106-35.107 and 35.130, which were at issue in this case.

For Gilbert Public Schools:

/s/

4/24/17

Linda McKeever
Chief Academic Officer

Date

ⁱ Except in extraordinary circumstances, OCR does not typically substitute its judgment for the decisions made by an IEP team that is properly constituted and that takes appropriate actions in light of the requirements of due process. In the event that the IEP teams described in provision 2 propose compensatory services or remedial actions *and* those actions are clearly insufficient to provide equitable relief to the Student, OCR will notify the District of its concerns, and the District will consider and respond to any feedback from OCR with respect to the proposed compensatory services or remedial measures.