

**Resolution Agreement**  
**Scottsdale Unified School District**  
**OCR Docket # 08-17-1182**

The Scottsdale Unified School District (District) voluntarily enters into this Resolution Agreement (Agreement) to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, 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. §§ 12131-12134, and its implementing regulation at 28 C.F.R. Part 35, with respect to the allegation of disability discrimination raised in the above-referenced complaint. Specifically, the District has voluntarily agreed to resolve the allegation that it discriminated against the Complainant's son (the Student) based on his disability when it failed to provide him a free, appropriate, public education (FAPE) during the 2016-2017 school year when it failed to implement provisions of his Individualized Education Program (IEP). By entering into this Agreement, the District does not admit any violation of Section 504 or Title II with regard to the allegation that it failed provide the Student with a FAPE during the 2016-2017 school year.

1. **FAPE.** After providing proper written notice to the Student's parents, the District will convene a group of knowledgeable persons to determine whether the Student was denied a FAPE during the 2016-2017 school year<sup>1</sup> as the result of any failure to implement his IEP, including but not limited to, failing to transport the Student to his placement at XXX and any impact that this failure had on the Student's ability to access the education his IEP called for. The meeting shall be conducted pursuant to the procedural requirements of the Section 504 regulation at 34 C.F.R. §§ 104.35-104.36. If the team determines that the Student should receive compensatory education or services, the District will provide the compensatory education and services in addition to the Student's regular instruction and services during the 2017-2018 school year.

**Reporting Requirement 1:** By June 23, 2017, the District will report the results of the group's determination regarding the provision of any compensatory and/or remedial services for the Student. The District will provide OCR with a copy of the notice provided to the Student's parents, documentation showing the participants in the meeting, and documentation that the District provided the procedural safeguards to the Student's parents. If the team determines that no compensatory education or services are necessary, the District will provide a written explanation for the determination, including a description of the information that the group considered, and all documentation supporting the determination. OCR will review the notice, written explanation, and supporting documentation to ensure that the group met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making its determination.

**Reporting Requirement 2:** If the District determines that compensatory education and services are necessary, the District will provide to OCR, within 30 days of the team meeting and in addition to the documentation described above, documentation

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<sup>1</sup> Specifically, the Team should consider whether the Student was denied a FAPE at any time on or after January 7, 2017.

demonstrating that it has scheduled the compensatory education and services

**Reporting Requirement 3:** If the District determines that compensatory education and services are necessary, the District will provide documentation demonstrating that it has provided all of the compensatory education and services to OCR within 30 days of the completion of the provision of the compensatory education and services.

**Reporting Requirement 4:** By June 23, 2017, the District will provide OCR with a copy of the Student's IEP for the 2017-2018 academic year, to demonstrate that it has a plan in place to ensure the Student receives a free, appropriate, public education.

2. **Training.** The District will select a highly qualified employee or an independent third-party consultant, both subject to OCR approval, to provide training to all staff in the District's transportation office on the Section 504 regulation at 34 C.F.R. §§ 104.4(a), 104.33, 104.35, 104.36 prior to the start of the 2017-2018 school year. This training will also highlight how state laws regarding unexcused absences interact with the requirements of Section 504 and Title II to hold a Section 504 or IEP meeting before changing a student's placement.

**Reporting Requirement 1:** By June 23, 2017, the District will submit to OCR for approval the name and resume of the highly qualified employee or independent third-party consultant it intends to use to fulfill the terms of this Agreement Item.

**Reporting Requirement 2:** Within 60 days of OCR's approval of the highly qualified employee or independent third-party consultant referenced in Reporting Requirement 1, the District will submit to OCR a draft of the training materials the District intends to use for OCR's review and approval.

**Reporting Requirement 3:** By September 1, 2017, the District will provide to OCR documentation describing the trainings it has provided to District teachers, administrators, school aids, and other District personnel, including sign-in sheets, agendas, all materials distributed.

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 regulations implementing Section 504 at 34 C.F.R. §§ 104.4(a), 104.33, 104.34, and 104.35, and Title II at 28 C.F.R. § 35.130(a), which were at issue in this case.

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 at 34 C.F.R. §§ 104.4(a), 104.33, 104.34, and 104.35, and Title II at 28 C.F.R. § 35.130(a), 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.

/s/

6/7/2017

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Dr. A. Denise Birdwell, Interim Superintendent  
Scottsdale Unified School District

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Date