

**RESOLUTION AGREEMENT**  
**Deer Valley Unified School District**  
**Case Numbers 08-17-1243**

In order to resolve the issue raised in Case Number 08-17-1243, that the District failed to provide the Student with a free, appropriate public education when it failed to implement the Student's Individual Education Program, filed against the Deer Valley Unified School District (the 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 (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), and its implementing regulation at 28 C.F.R. Part 35. The District indicated its willingness to take steps necessary to ensure compliance with Section 504 and Title II. The District's decision to enter into this Agreement is not an admission of liability or wrongdoing, nor will it be construed as such.

1. Within twenty (20) days of the date of this Agreement, the District will convene an Individual Education Program (IEP) team meeting. The IEP Team ("Team") will determine whether the Student is entitled to compensatory services starting with the 2015-16 school year to the date of this Agreement. Specifically, the Team will consider what, if any, compensatory services, including educational, social, or emotional, are owed to the student as a result of the Student allegedly not receiving specific special education or related services starting with the 2015-16 school year to the date of this Agreement. Based on the Team's findings, the Team will determine the type and number of hours of compensatory services, if it determines that such services are necessary, to make up for any missed educational services. The Team will then develop a plan for providing those compensatory services to the Student within six months. The District will promptly notify the parents in writing of the compensatory services being offered at no cost to the parents and the proposed, prompt initiation date of such services. The Team meeting will be procedurally consistent with the requirements of 34 C.F.R. §§ 104.35 and 36. The District will ensure that any decisions reflect the judgment of the Team and not the judgment of a single individual. The District will ensure that the Student's parents are invited to the meeting and will permit the Student's parents to invite persons knowledgeable about the child to attend the meeting. The Team will carefully consider all information provided by the Student's parents and their invitees. The Team will include District employees who have knowledge of the matters being considered by the Team.

**REPORTING REQUIREMENTS:**

- Within thirty (30) calendar days of the meeting of a group of persons knowledgeable about the child, the District will submit documentation to OCR that includes the following:
  - A list of the individuals who attended the meeting (by name, title, and role in the meeting);
  - Documentation of the District's invitation to the parents to attend the meeting and obtain their input;

- A copy or summary of the information the Team considered in reaching its determination regarding whether and what compensatory services are appropriate for the Student;
  - Notes from the meeting documenting that the Team carefully considered input from persons knowledgeable about the Student;
  - Documentation of the Team’s decisions regarding the type and number of hours of compensatory services that are appropriate for the Student and the bases for those decisions;
  - A plan for the prompt provision of compensatory services to the Student at no cost to the parents;
  - Documentation that the Complainant was notified in writing of the compensatory services offered by the District;
  - Documentation that the District provided the Complainant with notice of the Student’s rights and applicable procedural safeguards under Section 504 and Title II of the ADA.
- If the District delivered compensatory services to the Student, within six (6) months of the meeting, the District will submit documentation to OCR demonstrating that all of the compensatory services determined by the Team have been provided to the Student.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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 Section 504 and its implementing regulation at 34 C.F.R. §104.21, and Title II implementing regulation at 28 C.F.R. §35.149. 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 Deer Valley Unified School District:

\_\_\_\_\_/s/\_\_\_\_\_  
 Name Date  
 Title