

RESOLUTION AGREEMENT

Chandler Unified School District OCR Case Number 08-17-1300

In order to resolve the allegations in OCR case number 08-17-1300, filed against Chandler Unified School District (District) at XXXX (School) 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. §§ 104.33-104.35, and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. § 35.130.

1. 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 the student with notes for her lessons; meeting with the Student to prioritize missed school work and to review missed lessons; providing a set of textbooks and supplementary materials to be kept at the student's home; reducing the student's workload after periods of extended absences; and providing homebound instruction. 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 November 24, 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.¹

¹ 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 team described in provision 1 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.

2. 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.
3. During the meeting outlined in subsection 1, the District will determine whether an additional evaluation is necessary, in light of the Student's disability and its changing degree of medical condition since the development of the current IEP. If the team determines that the Student's IEP needs updating in light of the Student's changed medical condition since September 2016, or that additional evaluations must be conducted, the team will consider whether compensatory or other remedial services should be provided to the Student, and will conduct an evaluation or update the IEP. The District will provide the Student's parent(s) with prior written notice, a meaningful opportunity to provide input into the determination, notice of the determination 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 December 31, 2017, the District will provide OCR with evidence that a team meeting was convened for the purpose of complying with Term 3. The District will further provide documentation showing that it provided prior written notice of the meeting. Should the District determine that no compensatory education or other remedial services were necessary, that further evaluations are not necessary, or that the Student's Section 504 Plan was acceptable and did not require updating, 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.²

² 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.

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

REPORTING REQUIREMENT:

- Within 30 days from the date of OCR's acceptance of the proposed compensatory services (if any) or remedial measures and OCR has determined that the 504 team met the procedural requirements of the Section 504 and Title II regulations noted in this Agreement, the District will provide documentation that it has provided or is in the process of providing the compensatory services or remedial measures, if any, and provides a copy of any updated Section 504 Plan or evaluation records. 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.
5. The District will draft a memorandum for distribution to all School staff and building administrators who are responsible for implementation of Section 504 Plans and Individualized Education Programs (IEPs). The memorandum will remind staff of their legal obligations and responsibility to properly and fully implement Section 504 Plans and IEPs.

REPORTING REQUIREMENT:

- Within 30 days after this Agreement is signed, the District will submit to OCR for review and approval a draft of the above-mentioned memorandum.
6. The District will consider and respond to any feedback from OCR with respect to the draft memorandum. After obtaining OCR's approval, the District will distribute the memorandum to all staff and building administrators at the School.

REPORTING REQUIREMENT:

- Within 30 days of obtaining OCR's approval of the training memorandum, the District will provide OCR a copy of the signed memorandum and documentation that shows that the memorandum was distributed to the required personnel.

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.

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 34 C.F.R. §§ 104.33-104.35, and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. § 35.130, which were at issue in this case.

For Chandler Unified School District:

/s/

10-23-17

Superintendent Camille Casteel

Date