

RESOLUTION AGREEMENT
Deer Valley Unified School District
Case Number 08-18-1080

Deer Valley Unified School District (the District) enters into this agreement to resolve the allegations in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation, which prohibit discrimination on the basis of disability in programs and activities funded by the U.S. Department of Education; and Title II of the Americans with Disabilities Act and its implementing regulation, which prohibit discrimination on the basis of disability by public entities.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

1. The District will provide training on the requirements of Section 504 to all administrative and certificated staff at XXXX School, including the staff members involved in the alleged discrimination and retaliation. The training will include:
 - an explanation of the District's obligations under Section 504 with respect to evaluation and placement of students with disabilities, as well as providing a free appropriate public education to each student with a disability;
 - an overview of the District's policies and procedures or implementing Section 504, and appropriate guidance with respect to what steps each staff member must take to implement the District's Section 504 policies and procedures;
 - best practices for maintaining the confidentiality of students' disability-related information; and
 - an explanation of Section 504's prohibition of retaliation and intimidation, including examples of prohibited retaliation against both students and parents.

REPORTING REQUIREMENTS:

- A. By June 15, 2018, the District will submit to OCR for review and approval the proposed training materials, along with the name and credentials of the training provider.
- B. Within 60 days of the date OCR approves the training materials, the District will provide OCR documentation demonstrating completion of the training for the required staff, including a copy of the training materials; dates of training sessions; a list of persons who presented and attended the sessions, by title; and a list of any administrative or certificated staff member who did not attend the training.

2. The District will ensure that the Student's teacher for the 2018-19 school year is informed of the Student's Section 504 plan and the Student's disability-related needs by providing the teacher a copy of the Section 504 plan by the first day of school, and offering the Complainant the opportunity to meet with the teacher regarding the Student's disability-related needs no later than the first week of school.

REPORTING REQUIREMENT: By August 17, 2018, the District will submit to OCR documentation that the Section 504 plan was provided to the Student's teacher by the first day of school, that the District offered the Complainant the opportunity to meet with the teacher, and if the Complainant accepted the opportunity to meet with the teacher, notes from the meeting.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, 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 and Title II at 34 C.F.R. §104.11; and 28 C.F.R. § 35.130(a). 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 Title Date
Melissa McCusker Director of Student Support Services May 15, 2018