

RESOLUTION AGREEMENT

Sierra Vista Public Schools OCR Case Number 08-18-1218

In order to resolve the allegation in OCR case number 08-18-1218, filed against the Sierra Vista Public Schools (District) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), as well as procedural issues identified during the course of investigation, 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. §§ 104.7-104.8, and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. §§ 35.106-35.107.

1. Notice of Section 504/Title II Coordinator, Notice of Non-Discrimination, and Harassment Complaint Procedures: The District will review and revise its notice of nondiscrimination, notice of its Section 504/Title II compliance officer, and student harassment complaint procedures so that the policies and procedures and notices are compliant with Section 504 and Title II of the ADA. See 34 C.F.R. §§ 104.7–104.8 and 28 C.F.R. § 35.106-35.107.

REPORTING REQUIREMENTS:

- By November 30, 2018, the District will submit to OCR for review and approval the District's draft notice of non-discrimination, draft notice of the compliance officer, and revised student harassment complaint procedures (policies and procedures).
 - Within 60 days of OCR's approval of the policies and procedures, the District will adopt the approved policies and procedures, and provide notice of these policies and procedures to District students and parents. The notice may be accomplished by placing information regarding the notice of the revised policies and procedures on the District's website.
 - Within 60 days of the adoption of the OCR's approved policies and procedures, the District will provide OCR with supporting documentation to show the approved notices were adopted and notice given. Supporting documentation should include 1) weblinks to each place where the notice of Section 504/Title II coordinator, notice of non-discrimination, and student harassment complaint procedures are posted on the District's website, 2) student handbooks, and 3) other similar documents.
2. The District will ensure that the OCR-approved policies and procedures are disseminated to all personnel¹ in the District. The District will email to all personnel the policies and procedures within 60 days of the adoption of the OCR's approved policies and procedures.

REPORTING REQUIREMENT:

- Within 60 days of the adoption of OCR's approval of the policies and procedures, the District will provide OCR with a copy of the email that was disseminated to staff members.

¹ The District is not required to provide the student harassment complaint procedure to District support staff.

3. The District will identify train all District and School level administrative staff responsible for implementing the District's student harassment complaint procedure. The training will include the revised policies and procedures, how to investigate harassment complaints, identifying protected basis in complaints, writing investigation findings, and taking steps to prevent re-occurrence of harassment on the basis of disability. At or near the beginning of each school year thereafter, a copy of the policies and procedures will be e-mailed or otherwise disseminated to District and School level administrative staff responsible for implementing the District's student harassment complaint procedure.

REPORTING REQUIREMENTS:

- By November 30, 2018, the District will provide OCR with a copy of the training agenda, training materials, list of identified employees, and identify the trainer and her/his qualifications to provide the training, for OCR's review and approval.
- Within 60 days of OCR's approval of the trainer and training materials, the District will provide OCR with a copy of all handouts provided during or before the training, a list of all staff identified to receive the training, and a sign-in sheet for those attending the training.

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 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.

OCR will close the case monitoring when it has determined that the District has met the terms of the Agreement. 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 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 Sierra Vista Public Schools:

/s/ Kelly Glass

8/6/2018

Title Interim Superintendent

Date