

RESOLUTION AGREEMENT

Queen Creek Unified School District OCR Case Number 08-18-1552

Queen Creek Unified School District (“District”) enters into this Agreement to resolve an allegation 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 (“Section 504”), as amended, 29 United States Code (U.S.C.) Section 794, and its implementing regulation, at 34 Code of Federal Regulations (C.F.R.) Part 104, and Title II of the Americans with Disabilities Act of 1990 (“Title II”), 42 U.S.C. Section 12131 *et seq.*, and its implementing regulation, at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Term I: If the Student is currently participating in District extracurricular services and activities, or participates in District extracurricular services and activities in the future while still considered to be an eligible student with a disability, the District will convene the Student’s individualized education program (IEP) team or Section 504 team to discuss whether the Student needs reasonable modifications and/or needed aids and services in order to have an equal opportunity for participation in extracurricular services and activities in an integrated manner to the maximum extent appropriate to the needs of the Student.

At least one week before the meeting, the District will invite the Complainant, in writing, to the meeting. The invitation will provide: the reasons for the meeting; the agenda for the meeting; and notice that the Complainant may invite other persons knowledgeable about the Student to attend the meeting. At the meeting, the District will: provide the Complainant with a meaningful opportunity to provide input;¹ document the names and titles/positions of individuals present; and take detailed notes of the discussion. All decisions will reflect the judgment of the group, not the judgment of a single individual. Within one week of the meeting, the District will provide the Complainant with: written notice of the decisions made; a copy of the District’s procedural safeguards; and a copy the Student’s IEP or Section 504 plan, if changes were made at the meeting.

Term I Reporting Requirements:

- A. If the Student is currently participating in District extracurricular services and activities, or if, at any time before August 31, 2019, the Student participates in District extracurricular services and activities while still considered an eligible student with a disability, the District will submit to OCR, within fifteen (15) calendar days of the meeting required by Term I, copies of:
 - i. the written invitation to the Complainant to attend the meeting;
 - ii. an attendance list from the meeting, including the name and title/position for each attendee;
 - iii. notes of the meeting discussions, including documentation of the Complainant’s input and the reasons for any decisions made;
 - iv. the written notice of any decisions made to the Complainant;

¹ If the Complainant refuses to attend and or declines the opportunity to attend the meeting, this requirement is waived. The District will document that it made multiple attempts to contact the Complainant and enable her participation, and provide such documentation to OCR.

- v. any documentation relevant to any decisions made;
 - vi. documentation showing that the Complainant was provided with a copy of the District's procedural safeguards;² and
 - vii. the Student's IEP or Section 504 plan, if changes were made.
- B. The District will promptly and fully address OCR's feedback, if any, until OCR notifies the District that Term I has been completely fulfilled.³

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. Sections 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR will 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 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 School, 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 are in compliance with Section 504, and its implementing regulation, and Title II, and its implementing regulation. Upon completion of the obligations under this Agreement, OCR will close this case.

For Queen Creek Unified School District:

/s/ _____
Dr. Perry Berry, Superintendent

2/15/19 _____
Date

² *e.g.*, the Complainant's signature acknowledging receipt

³ 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. §§ 104.34-36. Except in extraordinary circumstances, OCR does not typically substitute its judgment for the decisions made by an IEP team or Section 504 team that is properly constituted and that takes appropriate actions.