

**Resolution Agreement
Catalina Foothills School District # 16
OCR Case Number 08-19-1445**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated investigation of the above-referenced complaint against the Catalina Foothills School District # 16 (District), pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104 (Section 504), which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the U.S. Department of Education, and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35 (Title II), which prohibit discrimination on the basis of disability by public entities.

During the course of OCR's investigation, before OCR had made any findings, the District indicated its willingness to take steps necessary to ensure compliance with Section 504 and Title II. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint, and an agreement is appropriate, and the remedies align with the allegations. While entering into this Agreement, the District makes no admission of a violation of Federal law.

Item 1

By **January 31, 2020**, the District will provide OCR with training materials for OCR's review and approval on the requirements of 34 C.F.R. part 104 as it applies to the prohibition against discrimination, the evaluation and placement of students with disabilities, the provision of services, and parental procedural safeguards under Section 504. The District's training materials will pay attention to the allegations identified in complaint identified above. The training will be provided by the District's counsel or the District's Director of Special Education.

Reporting Requirement 1.1

Within **30 days** of OCR's approval of the draft training materials, the District will provide the training to the administration and all staff who provide services to students with disabilities at Catalina Foothills High School, to include school counselors.

Reporting Requirement 1.2

Within **10 days** of providing the training to the individuals identified in *Reporting Requirement 1.1*, the District will provide OCR with copies of the training sign in sheets and written verification that all identified individuals have received the training as specified in *Item 1* above.

Item 2 and Reporting Requirement 2

By **January 31, 2020**, the District will provide OCR with written assurances that the District understands and commits to its obligation to provide a free and appropriate public education to

the Student under 34 C.F.R. §§ 104.32 through 104.36 within a reasonable time should the Student return to the District. This may by necessity require a full re-evaluation of the Student under Section 504.

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 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 the regulations implementing Section 504 34 C.F.R. §§ 104.7(b), 104.33, 104.34, 104.35 and 104.61, and Title II, at 28 C.F.R. §§ 35.107(b).35.130(a) and (b)(1)(iii) and 35.134, which were at issue in this case.

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 and Title II.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

For the Catalina Foothills School District # 16:

/s/
Dr. Mary Kamerzell
Superintendent
Catalina Foothills School District # 16

12/12/2019
Date