

**Resolution Agreement
Glendale Elementary District
Complaint Number 08-20-1398**

In order to resolve the open allegation in Case Number 08-20-1398, filed against Glendale Elementary District (the District) with the Office for Civil Rights (OCR) of the U.S. Department of Education, pursuant to Section 504 of the Rehabilitation Act of 1973 (“Section 504”), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. part 104, and Title II of the Americans with Disabilities Act of 1990 (“Title II”), 42 U.S.C. §§ 12131–65, and its implementing regulation at 28 C.F.R. part 35, the District agrees to implement the following Resolution Agreement.

The District’s decision to enter into this agreement is voluntary and not an admission of liability or wrongdoing, nor shall it be construed as such.

Compensatory Educational Services

1. The District will convene a multidisciplinary team consistent with the evaluation and placement procedures in accordance with 34 C.F.R. §§ 104.35 and 104.36 to determine what compensatory educational services are appropriate considering prior failures to provide schoolwork in braille according to the Student’s Individualized Education Program from January 2020 through March 2020. The District will offer the compensatory educational services and, if accepted by the Student’s parent or guardian, provide the services before the beginning of the 2021-2022 school year.

REPORTING REQUIREMENTS

Within 30 calendar days from the date the District signs this Agreement, the District will submit for OCR’s review all documentation relating to compensatory education services for the Student. Such documentation will include but is not limited to:

- a. all documentation considered by the team;
- b. a narrative summary of the evaluation and placement meeting or meetings, including a summary of services that were considered reasons for the adoption or rejection of each considered service;
- c. all evaluation and placement meeting notes;
- d. a written plan for providing compensatory education services, including timeframes for providing the services.

In addition, prior to the beginning of the 2021-2022 school year, the District will provide OCR documentation of services it has offered or provided under the compensatory education plan.

Training Ensuring Notice and Implementation of IEP

2. The District will provide training for its administrators, teachers and support staff at Discovery School related to notice and full implementation of IEPs. The training will ensure Discovery School administrators, teachers and support staff understand that they should know the content of a student’s IEP and their responsibility to fully implement each student’s IEP before they begin working with the students.

REPORTING REQUIREMENTS

Within 30 calendar days from the date the District signs the Agreement, the District will provide OCR with its draft training material for OCR’s review and approval. The District will also provide the name, title, and credentials of the proposed trainer. The District will consider and respond to any feedback from OCR with respect to the draft training material and proposed trainer. Within 60 school days of OCR’s approval of the draft training materials and trainer, the District will conduct the training. The training may be conducted in-person or remotely, and either synchronously or asynchronously.

Within 10 calendar days of the completion of the training, the District will provide OCR documentation establishing it has provided the training including a list of the names and titles of Discovery School administrators, teachers and support staff members who attended the training and copies of materials used in the training.

Grievance Procedures

3. The District will adopt or revise its policies concerning internal grievance procedures for complaints alleging disability discrimination under Section 504 and Title II. The District will ensure that these procedures provide for the prompt and equitable resolution of complaints alleging disability discrimination in compliance with 34 C.F.R. § 104.7(b) and 28 C.F.R. § 35.107(b). The procedures will include the following:

Notice of the grievance procedures to parents, guardians, students, and employees, including where complaints may be filed, that is easily understood, easily located, and distributed;

Application of the grievance procedures to complaints alleging disability discrimination by employees, students, or third parties;

Adequate, reliable, and impartial investigation of complaints, including the opportunity for the complainant and accused to present witnesses and evidence;

Designated and reasonably prompt time frames for the major stages of the grievance process;

Written notice to the complainant and accused of the outcome of the complaint; and

An assurance that the District will take steps to prevent recurrence of any disability discrimination and to correct its discriminatory effects on the complainant and others, if appropriate.

REPORTING REQUIREMENTS

Within 30 calendar days from the District signing the Agreement, the District will provide for OCR's review and approval its existing grievance procedures with any proposed revisions, or its proposed draft grievance procedures. OCR will review the grievance procedures to ensure that they comply with Section 504, Title II, and this Agreement. The District will fully and promptly address comments by OCR and will continue to modify the proposed policies until they receive final OCR approval.

Within 30 calendar days of OCR approving the District's Section 504 and Title II grievance procedures, the District will adopt and publish the procedures. Within 10 calendar days of adoption and publication of the Section 504 and Title II grievance procedures, the District will provide OCR documentation (*e.g.*, board meeting minutes, emails, web links) showing that it adopted and published the procedures.

Training on Grievance Procedures

4. The District will provide training to its administrators, teachers and support staff at Discover School on the District's Section 504 and Title II grievance procedures.

REPORTING REQUIREMENTS

Within 30 calendar days of the District adopting and publishing its grievance procedures, the District will provide OCR with draft training material (*e.g.*, PowerPoints, handouts, agenda) for OCR's review and approval. At a minimum, the draft training material will discuss the District's Section 504 and Title II grievance procedures and the District's responsibility to conduct adequate, reliable, and impartial investigations. The District will also provide the name, title, and credentials of the proposed trainer. The District will respond to any feedback from OCR with respect to the draft training materials and proposed trainer. Within 45 school days of OCR's approval of the draft training materials and trainer, the District will conduct the training. The training may be conducted in-person or remotely, and either synchronously or asynchronously.

Within 10 calendar days of the completion of the training, the District will provide OCR documentation showing that it has provided the training. Such documentation will include a list of the names and titles of Discover School administrators, teachers and support staff members who attended the training and copy of materials used in the training.

The District acknowledges 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 which were at issue in this case and with respect to the Student.

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 employees of the District, 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, which were at issue in this case and with respect to this Student. 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.

For Glendale Elementary District:

/s/ 12/29/2020

Name, Title and Date