

Resolution Agreement

Chandler Unified School District OCR Case number 08-22-1239

In order to resolve OCR Case Number 08-22-1239, filed against Chandler Unified School District (District) and opened for investigation by the U.S. Department of Education (Department), Office for Civil Rights (OCR) 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 will implement the following terms of this Resolution Agreement (Agreement). Specifically, the Agreement resolves the issue of whether the District responded adequately to a complaint of disability harassment.

During OCR's investigation, the District indicated its willingness to take steps necessary to ensure compliance with Section 504 and Title II. The Agreement requirements are aligned with the above issue and consistent with the Section 504 and Title II regulatory requirements. The District's decision to enter into this agreement is not an admission of liability or wrongdoing.

I. Investigation

By X, the District will notify the Complainant that it plans to conduct a new investigation with respect to the allegations of disability harassment.

By X, the District will interview all involved students and any other witnesses, take notes for each interview, compile a summary of all records reviewed and actions taken (including regarding whether students were disciplined or not). The District will also include notes of its review of any social media platforms specific to the disability harassment allegations. At the conclusion of the investigation, the District will notify the Complainant, in writing, of its findings. The findings will include a summary of the investigation, including providing the Complainant notice of the interviews conducted and summary of the information reviewed. For privacy reasons, the District is not required to notify the Complainant of the actions it took, though the District will notify the Complainant whether it took any additional actions or measures following completion of its investigation. In addition, as part of this investigation, the District will determine whether the Student was subjected to bullying, a hostile environment, or harassment based on his disability.

By X, 2023, the District will submit a copy of its investigative findings, and all required supporting documentation to the Complainant. This includes information specific to materials reviewed, including social media platforms, the number of interviews conducted, and whether it took any additional actions or measures following completion of its investigation.

By X, 2023, the District will provide OCR with a copy of the written findings and a copy of the information provided to the Complainant. The District will also provide OCR with all interviewee notes, a copy or summary of all records it reviewed, including information on the students who were disciplined, or alleged perpetrators not disciplined, as a result of the Complainant's allegations. The District

will also notify OCR whether it took any additional actions or measures, following completion of its investigation. The District must also notify OCR of its determination of whether the Student was subjected to bullying, a hostile environment, or harassment based on his disability.

II. Harassment Grievance Policies and Procedures

By X, 2023, the District will provide OCR a copy of its grievance policies and procedures related to bullying, hostile environment, and harassment based on disability, for OCR's review and approval. These policies and procedures must include the District's process for filing a complaint, and how this information is communicated to students, staff, parents, and members of the public. In addition, the District will provide the number of complaints the District has received from students, staff, parents, and the public, during school years 2021-2022 and 2022-2023, with respect to bullying, a hostile environment, and harassment based on disability. The District will promptly and fully address OCR's feedback, if any, until the District receives OCR's final approval of the Section 504/Title II bullying, hostile environment, and harassment based on disability grievance policies and procedures.

Within thirty (30) calendar days of receiving OCR's approval of these policies and procedures, the District will ensure that these are published on the District's internet website and in District publications (*e.g.*, students, staff, parents, and the public handbooks). In addition, the District will provide OCR with the links to the webpages containing the revised bullying, hostile environment, and harassment based on disability policies and procedures, including links to the publications where related information appears.

III. Training

By X, 2023, the District will provide OCR with the name, job title, and qualifications of the individual who will conduct training for all Castille High School (School) administrators and staff, including teachers, counselors, nurses, administrators or deans, school resource officers or campus security officers, and all others not identified, on its bullying, hostile environment, and harassment based on disability grievance policies and procedures.

Within 30 days of OCR's approval of the District's proposed trainer, the District will submit for OCR's review and approval: 1) a proposed training agenda; 2) a copy of the training materials that it will use, including as indicated above, the procedures for how to respond to complaints of bullying, a hostile environment, and harassment based on disability; and 3) a list of all proposed training attendees at the School, by name and title/position. The District will promptly and fully address OCR's feedback, if any, until the District receives OCR's final approval of its training component and designation of responsible employee and notice.

Within 30 days of OCR's approval of the District's proposed trainer, training agenda, and training materials, the District will provide to OCR: 1) the date, time, and location of the training; 2) confirmation that the approved trainer delivered the training; 3) the names and titles or positions of all individuals who attended the training, including sign-in sheets with participant names and job titles; 4) the agenda and materials from the training, including copies of any additional training materials disseminated; and 5) the names and titles or position of all individuals who did not attend the training, an explanation for each person's absence, and, if

possible, a plan of when it expects to train each person.

IV. Compensatory Services or Other Individual Remedial Measures

By X, 2023, and after the completion of Term I's investigation, the District will convene a meeting, consisting of a group of knowledgeable persons and the Student's parent(s). At a minimum, the group will discuss, whether the Student is owed compensatory services or other remedial measures, at no cost to the Student or his family, as a result of any failure to address the bullying, hostile environment, and harassment the Student experienced based on his disability.

At least 15 calendar days prior to the meeting, the District will invite the Student's mother, in writing, to attend the meeting. In the invitation, the District will, at a minimum: a) explain the purpose of the meeting; b) include an agenda; c) notify the Student's mother that she may invite other individuals who are knowledgeable about the Student to attend the meeting; and d) notify the Student's mother that she may share information and her perspective during the meeting. The District will document its invitation to the Student's mother as well as any response she provides. The District will ensure that: a) the meeting occurs at a date, time, and location that are mutually agreed upon by all parties; b) the group and meeting are consistent with the procedural requirements of Section 504.3; c) the group carefully considers all relevant information, including information provided by the Student's mother and her invitees, if any; and d) any decisions made at the meeting reflect the judgment of the group, not the judgment of a single individual.

The compensatory service plan, if one is created, will specify the: a) type(s) of remedies to be provided; b) amount(s) of remedies to be provided; c) name(s) and title(s) or position(s) of the individual(s) who will be responsible for providing the remedies; d) location where the remedies will be provided; e) schedule for the provision of the remedies; and f) name(s) and title(s) or position(s) of the person(s) who will ultimately be responsible for the provision of the remedies, as planned.

Within 10 calendar days after the meeting, the District will: a) notify the Student's mother, in writing, of the decisions made at the meeting; b) provide the Student's mother with a copy of the Plan, if one is created; and c) provide the Student's mother with a copy of the District's applicable procedural safeguards. The District will implement the Plan, if one is created, with fidelity.

Within 20 calendar days of the meeting, the District will submit to OCR: 1) a copy of all communications between District staff members and the Student's mother related to the meeting, including documentation demonstrating that she: a) was invited to participate in the meeting; b) had the opportunity to invite others to attend the meeting; c) had the opportunity to share information and her perspective during the meeting; d) received a copy of the District's applicable procedural safeguards; e) was notified of the group's decisions made at the meeting; (f) was notified of the Plan (if applicable); g) was provided a list of all individuals who attended the meeting, including each individual's name, title, and/or position; and h) received a copy of the minutes or notes from the meeting reflecting the information the group considered in reaching its decision, and that the group carefully considered input from persons knowledgeable about the Student.

If a Plan is created, the District will submit to OCR, within 90 calendar days of receiving notification from OCR that no further reporting is required, documentation demonstrating that the District has provided or is in the process of providing the remedies detailed in the Plan. The District will promptly and fully address OCR's feedback, if any, until OCR notifies the District that no further

reporting is required. If the group determines that no remedies will be provided to the Student, the District will also submit to OCR: a) a written explanation of the reasons for that determination; and b) all supporting documentation for its determination. The District will promptly and fully address OCR's feedback, if any, until the District receives notification from OCR that no further reporting is required.

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 Section 504 and Title II and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, respectively, 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 demonstrated compliance with all terms of this Agreement and is following Section 504 and Title II and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, respectively, 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 the Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By:

Franklin Narducci, Superintendent
Chandler Unified School District

Date