

RESOLUTION AGREEMENT
Chandler Unified School District
08-22-1541

In order to address the finding in Case Number 08-22-1541, that Chandler Unified School District (the District) violated the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department; and Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities, the District agrees to implement this Resolution Agreement (Agreement). The Section 504 and Title II violation findings were made following an investigation by the Office for Civil Rights (OCR) of the U.S. Department of Education (Department).

Term I: Individual Remedy

Within thirty (30) calendar days of this Agreement being signed, provided that the Complainant and the Student are interested, the District will convene a multidisciplinary team (the Team), consistent with the evaluation and placement procedures under 34 C.F.R. §§ 104.35 and 104.36 to determine whether the Student is entitled to any compensatory educational services or other remedial measures for the time period after being on notice that the Student may be a student with a disability (approximately March 2021), but before the District evaluated the Student for a Section 504 Plan in April 2022, including any disciplinary or academic consequences that may have occurred due to any recognized failure of the District to timely evaluate the Student. The District will invite the Complainant and the Student, in writing, to attend the meeting and advise that they may invite other individuals who are knowledgeable about the Student to attend the meeting and to share information and their perspectives at the meeting. The District's invitation will, at a minimum, explain the purpose of the meeting, include an agenda, and provide a reasonable deadline by which the Complainant needs to respond if they want to schedule the meeting.

REPORTING REQUIREMENTS:

If the Complainant accepts the invitation to convene the Section 504 team, then, within fourteen (14) calendar days of the conclusion of the meeting, the District will submit to OCR documentation of the results of the Section 504 team meeting, including the meeting agenda and list of participants, all documentation considered at the meeting, all documentation provided to or by the Complainant, agreements made at the meeting, determinations made by the Section 504

Team, and the procedural safeguards that were provided to the Complainant. For each determination made by the Section 504 Team, the District shall provide OCR documentation necessary to support the determination, an explanation of the reasons for the determination, and any objections to the determination. The District shall also provide documentation sufficient to show the manner in which compensatory education or other remedial measures, if any, will be provided to the Student.

If the Complainant declines the invitation to convene the Section 504 team or fails to respond to the District's written invitation by the deadline provided, then, within forty-five (45) calendar days of the date the District's written invitation was issued, the District will provide written notification to OCR that the Complainant declined the invitation or failed to respond. The District will also provide a copy of the District's written invitation to the Complainant, along with any response(s) from the Complainant and any other communications between the District and the Complainant regarding the invitation.

Term 2: Policies and Procedures Review and Training

Term 2(A): Policies and Procedures. The District will review its policies and procedures to ensure the policies around timely identifying and evaluating students who are or are believed to be students with disabilities are in compliance with the Section 504 and Title II regulations. The District will also revise its Section 504 manual and the ESS website with respect to Section 504 policies and procedures. If necessary, the District will make any required changes or updates to their policies and procedures, manual, and/or website to ensure compliance.

REPORTING REQUIREMENT 2A: Within fifteen (15) days of the completion of the District's review of its policies, manual, and website, the District will provide to OCR a narrative describing the District's review process, including the names and titles/positions of staff included in the review, the policies and procedures considered, and copies of the policies and procedures, manual, and website with the changes annotated throughout, if any. The District will also provide to OCR for review and approval its finalized policies and procedures, manual, and website if any changes are deemed necessary.

Term 2(B): Adoption and Notice: If any changes were made to the District's policies, manual, or website, upon OCR's approval of the policies, the District will (a) adopt and implement the policies, manual, and website; and (b) provide notice to all staff of the new policies. The District, at a minimum, will make this notification through written correspondence and/or email and publishing the updated policies, manual, and website on the District's website.

REPORTING REQUIREMENT 2(B): Within thirty (30) days of OCR's approval of the policies, the District will provide OCR with (a) a copy of the policies, manual, and website, as

officially adopted; and (b) documentation that demonstrates the District provided notice pursuant to the Adoption and Notice requirements.

Term 2(C): Training: The District will develop and provide training to all School staff. This training will address the District’s policies and procedures regarding timely identifying and evaluating students who are or are believed to be students with disabilities. The training, which may be provided by digital instruction, will include, but need not be limited to, the following:

- A. The School’s “child find” obligations;
- B. The requirement, pursuant to Section 504 and Title II, to conduct in a timely manner an evaluation of any student who needs or is believed to need special education or related aids and services because of disability before taking any action with respect to the student's initial placement and before any subsequent significant change in placement;
- C. The District’s policies and procedures regarding disability discrimination; and
- D. The name and contact information of who to contact if a staff member believes that a student should be evaluated.

Reporting Requirement 2(C): Within 15 calendar days of conducting the training described in Paragraph A, the District will provide to OCR the name(s) and credentials of the individual(s) who conducted the training; a list of individuals, by name and title, who attended the training; and a copy of any training materials (e.g., pamphlets, presentation materials, etc.).

The District understands that by signing this Agreement, it agrees to provide data and other information that is required by this Agreement in a timely manner. Further, the District understands that during the monitoring of this Agreement, OCR may visit the District, interview District administrators, staff, and students and request such additional reports or data as are necessary for OCR to determine whether the District is in compliance with the terms of this Agreement and the statutory and regulatory obligations 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.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104; and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35, which were at issue in this complaint. This Agreement will become effective immediately upon the signature of the District representative below.

/ s /
Chandler Unified School District Representative

Date