

RESOLUTION AGREEMENT
Chandler Unified School District
OCR Case 08-23-1100

Chandler Unified School District (District) agrees to implement this Resolution Agreement (Agreement) to resolve the allegation in the above-referenced case. 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), Title II of the Americans with Disabilities Act of 1990 (Title II), and their implementing regulations.

The allegation in this case was that the District, at [redacted content] (School), discriminated against the Student on the basis of disability by, during the 2022-23 school year (SY), failing to provide the Student with the accommodations specified in the Student's individualized education program (IEP). The District requested this Agreement pursuant to Section 302 of OCR's *Case Process Manual* (CPM). OCR determined that it was appropriate to resolve the allegation in this case pursuant to Section 302.

TERM I – COMPENSATORY SERVICES OR OTHER REMEDIAL MEASURES FOR THE STUDENT

The District will offer to the Complainant, in writing, to convene a group of knowledgeable people (Team) to discuss whether the Student is owed compensatory services or other remedial measures (at no cost to the Student or Complainant) as a result of the District failing to provide the Student with the accommodations specified in the Student's IEP during the 2022-23 SY; and, if so, to create a written plan (Plan) to provide compensatory services or other remedial measures to the Student.

In the written offer to hold a Team meeting, the District will:

- explain the purposes of the meeting;
- explain that the Complainant is permitted to invite others who are knowledgeable about the Student to attend the meeting;
- notify the Complainant that to accept the offer, the Complainant must respond, within 15 calendar days; and
- provide the name, title or position, phone number, and email address of the District employee to whom the Complainant must respond.

If the Complainant accepts the District's offer to convene a meeting, the District will ensure that:

- the meeting occurs within 30 calendar days of the Complainant accepting the offer;
- the meeting occurs at a date, time, and location that are mutually agreed upon by the District and Complainant;
- the Team and meeting are consistent with the procedural requirements of Section 504;
- the Complainant is permitted to invite persons knowledgeable about the Student to attend the meeting;

- the Team carefully considers all information provided by all parties present at the meeting; and
- within 10 calendar days after the meeting, the District:
 - notifies the Complainant, in writing, of the decisions made at the meeting;
 - provides the Complainant with a copy of the Plan created at the meeting, if any; and
 - provides the Complainant with a copy of the District’s applicable procedural safeguards.

If a Plan is created, the Plan will include the:

- type(s) of compensatory services or other remedial measures to be provided;
- amount(s) of compensatory services or other remedial measures to be provided;
- name(s) and title(s) or position(s) of the person(s) who will be responsible for providing the compensatory services or other remedial measures;
- location(s) where the compensatory services or other remedial measures will be provided;
- schedule for the provision of the compensatory services or other remedial measures; and
- name and title or position of the School employee who will ultimately be responsible for implementation of the Plan.

The District will implement the Plan, if any, with fidelity.

Reporting Requirement A: Within 10 calendar days of this Agreement being signed, the District will submit to OCR for review a draft of the offer to the Complainant. The District will promptly and fully address OCR’s feedback, if any, until OCR notifies the District that the offer is approved.

Reporting Requirement B: Within 10 calendar days of receiving OCR’s approval of the offer pursuant to Reporting Requirement A, the District will send the approved offer to the Complainant, and copy OCR on the correspondence. The District will promptly and fully address OCR’s feedback, if any, until OCR notifies the District that no further reporting is required for Reporting Requirement B.

Reporting Requirement C: Within 30 calendar days of the District sending the offer to the Complainant, the District will submit to OCR a copy of all subsequent communications with the Complainant regarding the offer, a meeting, or compensatory services or other remedial measures. 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 for Reporting Requirement C.

Conditional Reporting Requirement D: If the Complainant accepts the District’s offer to have a Team meeting, then, within 15 calendar days of the Team meeting, the District will submit to OCR:

- copies of all communications with the Complainant related to the meeting, including documentation showing that the Complainant:

- was invited to participate in the meeting;
- was informed that the Complainant could invite others who are knowledgeable about the Student to the meeting;
- was notified of the decisions made at the meeting;
- received a copy of the Plan, if any; and
- received a copy of the District’s applicable procedural safeguards;
- a list of all individuals who attended the meeting, including each individual’s first and last name and title or position;
- notes or minutes from the meeting reflecting:
 - the Team’s decisions;
 - the perspectives shared by individuals during the meeting;
 - the information that the Team considered in reaching its decisions; and
 - the rationales for the decisions made at the meeting.

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 for Reporting Requirement D.¹

Conditional Reporting Requirement E: If a Team meeting occurs and 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 for Reporting Requirement D or within 15 calendar days of fully implementing the Plan, whichever occurs first, documentation showing that the District has implemented or is in the process of implementing the Plan. The District will promptly and fully address OCR’s concerns, if any, until OCR notifies the District that no further reporting is required for Reporting Requirement E.²

TERM II – DISSEMINATION OF THE STUDENT’S IEP TO SCHOOL STAFF

The District will disseminate the Student’s IEP to all of the teachers who work with the Student during spring 2023, and require the teachers to confirm that they received and reviewed the IEP.

Reporting Requirement F: Within 20 calendar days of this Agreement being signed, the District will disseminate the Student’s IEP to all of the teachers who work with the Student during spring 2023, and then submit to OCR: (a) a copy of the Student’s spring 2023 course schedule that shows the names of all of the Student’s teachers; and (b) documentation showing that all of the Student’s teachers in spring 2023 were provided with the Student’s IEP and confirmed that they reviewed the Student’s IEP.³ The District will promptly and fully address OCR’s concerns, if any, until OCR notifies the District that no further reporting is required for Reporting Requirement F.

¹ Except in extraordinary circumstances, OCR does not typically substitute its judgment for the decisions made by an IEP team that is properly constituted and that takes appropriate actions in light of the requirements of due process.

² This case will remain in monitoring until all compensatory services or other remedial measures (if any) have been provided.

³ e.g., copies of emails to the teachers and copies of replies from the teachers that include a statement that they received and reviewed the Student’s IEP; or a document with the teachers’ printed names and their signatures attesting to the fact they received and reviewed the Student’s IEP.

TERM III – TRAINING MEMORANDUM TO SCHOOL STAFF

The District will send a memorandum (Memo) to all School staff. For purposes of this Agreement, School staff include, at a minimum, all administrators, Section 504 coordinators, special education coordinators and case managers, teachers, teachers' aides or assistants, nurses, counselors, social workers, psychologists, and paraprofessionals who work with students at the School. The Memo will include, at a minimum:

- a statement that Section 504 and Title II prohibit discrimination based on disability by the School and District;
- a statement that District must provide a free appropriate public education (FAPE) to each qualified student with a disability, regardless of the nature or severity of the disability;
- the definition of a FAPE;
- a statement that implementation of an IEP developed in accordance with the Individuals with Disabilities Education Act (IDEA) is one means of meeting Section 504's and Title II's FAPE requirements;
- a statement that each service, accommodation, or modification in a student's IEPs must be provided to the student;
- a statement that failure to fully implement a student's IEP may result in denying that student a FAPE in violation of Section 504 and Title II;
- the name, position or title, phone number, and email address of the Section 504 coordinator for the School; and
- if different than the Section 504 coordinator for the School, the name, position or title, phone number, and email address for a District employee who is qualified to respond to questions or concerns regarding the content of the Memo.

Reporting Requirement G: Within 20 calendar days of this Agreement being signed, the District will submit to OCR a draft of the Memo for review and approval. The District will promptly and fully address OCR's feedback, if any, until the District receives OCR's final approval of the Memo.

Reporting Requirement H: Within 20 calendar days of receiving notice from OCR that no further reporting is required for Reporting Requirement G, the District will: (a) disseminate the approved Memo to all School staff; and (b) submit to OCR documentation (e.g., a copy of an email showing the list of recipients and the attachments) showing that the approved Memo was sent to all School staff. The District will promptly and fully address OCR's feedback, if any, until OCR notifies the District that no further reporting is required for Reporting Requirement H.

GENERAL REQUIREMENTS

The District understands that by signing this Agreement, the District 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 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, 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. Upon completion of the obligations under this Agreement, OCR will close 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 the terms of this Agreement and is in compliance with Section 504, Title II, and their implementing regulations, 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 the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District’s representative below.

For the District:

/s/
Franklin R. Narducci, Superintendent

1/23/23
Date