

Desert Sands Unified School District

Case Number 09-15-1266

Resolution Agreement

Pursuant to the U.S. Department of Education, Office for Civil Rights (OCR) Case Processing Manual at Section 302, OCR has the authority to accept this resolution agreement before the conclusion of the investigation of the above-referenced complaint. In order to resolve this complaint filed with OCR under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act and without admitting to any violation of law, the Desert Sands Unified School District (District) agrees to implement the following resolution provisions. Pursuant to CPM Section 302, OCR did not make findings regarding the allegations in the complaint.

Corrective Action

1. **Training:** By September 15, 2015, the District will provide training to appropriate staff, including but not limited to counselors, teachers and para professionals to ensure that each understands District's responsibilities under Section 504/Title II, including that student services and accommodations must be provided consistent with a student's Individualized Education Program (IEP) and that District representatives are prohibited from retaliating against individuals for advocating on behalf of a disabled student (s). This training may be combined with other trainings or staff meetings scheduled by the District, and may be in the form of live training, recorded training, and/or review of training materials.
2. **IEP Meeting:** Consistent with the requirements of Section 504/Title II, the District will schedule an IEP meeting (s) on or before July 1, 2015, to determine the appropriate placement and accommodations for the Students. The District shall provide Complainant with the appropriate procedural due process notice requirements regarding the IEP meeting.
3. **Reassignment:** If the IEP meeting recommends that either of the Students be reassigned to other schools, then the District will make such reassignment for the 2015-16 school year and communicate such reassignment to OCR before the school year begins.

Reporting Requirements

- a. On or before October 1, 2015, consistent with Item 1, the District will provide OCR with a description of the training provided, a copy of any training materials or presentations, and a list of participants with their titles.

- b. On or before August 1, 2015, consistent with Item 2, the District will provide OCR with a copy of the Students' agreed upon IEPs or a brief description of action taken by the District as a result of the IEP meeting.

General Requirements

The District understands that OCR will not close the monitoring of this agreement until OCR determines that it has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, which were at issue in this complaint.

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 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act.

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 a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Kathleen Felci
Asst. Superintendent, Educational Services
Desert Sands Unified School District

06/23/2015
Date