

**RESOLUTION AGREEMENT**  
**Scottsdale Unified School District**  
**Case Number 08-16-1008**

In order to resolve an allegation in case number 08-16-1008, filed against the Scottsdale Unified School District (the District) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the District agrees to implement this Resolution Agreement. This case was initiated pursuant Section 504 of the Rehabilitation Act of 1973 and its implementing regulation, which prohibit discrimination on the basis of disability in programs and activities funded by the U.S. Department of Education; and Title II of the Americans with Disabilities Act and its implementing regulation, which prohibit discrimination on the basis of disability by public entities.

This Agreement addresses OCR's finding that the District discriminated against the Student on the basis of disability by failing to provide a service determined in accordance with Section 504 to be a part of her appropriate education for a period of 16 school days, resulting in a denial of FAPE.

1. The District will draft a memorandum for distribution to all District- and school-level special education personnel. The memorandum will remind staff that needs identified by a Section 504 or IEP team, if not provided, may be a violation of the FAPE requirement of Section 504, even if the written plan has been implemented.

REPORTING REQUIREMENT: Within 30 days after this Agreement is signed, the District will submit to OCR for review and approval a draft of the above-mentioned memorandum.

2. The District will consider and respond to any feedback from OCR with respect to the draft memorandum. After obtaining OCR's approval, the District will distribute the memorandum under the Superintendent's signature to all District- and school-level special education personnel.

REPORTING REQUIREMENT: Within 30 days of obtaining OCR's approval of the memorandum, the District will provide OCR a copy of the signed memorandum and documentation that shows that the memorandum was distributed to the required personnel.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, 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 the regulations implementing Section 504 and Title II at 34 C.F.R. §104.33; and 28 C.F.R. § 35.103(a).

The District understands 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 at 34 C.F.R. §104.33; and 28 C.F.R. § 35.103(a).

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 Scottsdale Unified School District:

/s/

Dr. A. Denise Birdwell  
Interim Superintendent

\_\_\_\_\_ Date