

RESOLUTION AGREEMENT
Deer Valley Unified School District
Case Number 08-17-1436

Deer Valley Unified School District (the District) enters into this agreement to resolve the allegations in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. 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 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.

Prior to the completion of OCR's investigation, the District agreed to resolve the issue of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issue of this investigation, the District agrees to take the following actions.

1. The District will conduct an investigation to determine how the student was injured at ACCEL on March 8, 2017. The investigation will include a review of all available information, including but not limited to witness statements (including ACCEL staff members, the Student's bus driver, and the complainant), photographic or video evidence, ACCEL's policies, procedures, and training regarding the use of restraint and seclusion, any investigation previously done by ACCEL. The District will make reasonable efforts to obtain relevant information that may be in the possession of ACCEL.

REPORTING REQUIREMENT: By March 30, 2018, the District will provide OCR a report of the results of the investigation, including the name of the person conducting the investigation, a summary of the evidence reviewed and witnesses interviewed (and for any evidence that was unavailable to the District, a summary of the attempts made to obtain it), the District's investigative findings, and any corrective action recommended

2. After OCR has reviewed and approved the District's investigative report pursuant to Term 1, the District will send a copy of the investigative report to the Complainant.

REPORTING REQUIREMENT: Within 10 days after OCR notifies the District that the investigative report is approved, the District will provide OCR documentation that a copy of the report has been provided to the Complainant (for example, a copy of an email or letter to the complainant).

3. The District will review whether it is appropriate to continue to place District students at ACCEL.

REPORTING REQUIREMENT B: By March 30, 2018, the District will provide OCR a report of the results of its review of continued placement of District students at ACCEL. The report will demonstrate that the District has individually reviewed the placement of any District students currently placed at ACCEL to determine whether continued placement is appropriate. The report will indicate whether the District intends to continue the placement

of any students currently enrolled, and to continue to place students in the future. If the District plans to continue placing students at ACCEL, the report will include any steps the District will take to ensure that ACCEL's policies, procedures, and practices with regard to physical management of students (including the use of restraint, seclusion, physical escort, or other techniques) comply with the District's policies and applicable state and federal law.

4. After providing proper written notice to the Student's parents, the District will convene an Individual Education Program (IEP) team meeting to determine the appropriate compensatory and/or remedial services for the student as a result of the incident that occurred on March 8, 2017. The District will consider the period of time the student was out of school following the incident, as well as the emotional and educational impact of the incident on the student.

Based upon the team's findings, the District will determine the type and number of hours of compensatory and/or remedial services the student is entitled to and develop a plan for providing those services to the Student within six months. In addition to providing the Student's parent with notice of the procedural safeguards, including the right to challenge the Team's determination through an impartial due process hearing, the District will promptly notify the Complainant in writing of the compensatory services being offered at no cost and the proposed initiation date of such services.

The District will ensure that the IEP meeting is procedurally consistent with the requirements of 34 C.F.R. §§ 104.35 and 36.

REPORTING REQUIREMENT A: By March 30, 2018, the District will complete the meeting to determine the compensatory and or remedial services owed. By that same date, the District will submit documentation to OCR that includes:

- A list of the individuals who attended the meeting by name, title, and role in the meeting;
- Documentation of the District's invitation to the Complainant to attend the meeting and obtain her input;
- A copy of the summary of information the team considered in reaching its determination regarding what compensatory services are appropriate for the Student;
- Notes from the meeting documenting that the team carefully considered input from persons knowledgeable about the Student;
- Documentation of the Team's decisions regarding the type and number of hours of compensatory services that are appropriate for the Student and the basis for those decisions;
- A plan for the prompt provision of compensatory services to the Student at no cost to the Complainant;
- Documentation that the Complainant was notified in writing of the compensatory services offered by the District; and
- Documentation that the District provided the Complainant with notice of her and the Student's rights and applicable procedural safeguards under Section 504.

REPORTING REQUIREMENT B: Within six (6) months of the meeting, the District will submit documentation to OCR demonstrating that all of the compensatory services determined by the team are being provided to the Student, or are completed.

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. §104.11; and 28 C.F.R. § 35.130(a). Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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.

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

For Deer Valley Unified School District:

/s/ Melissa McCusker

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