

**Resolution Agreement
Paladin Career and Technical School
OCR Docket #05-16-1064**

The Paladin Career and Technical School (the School) voluntarily submits this Resolution Agreement to the U.S. Department of Education (the Department), Office for Civil Rights (OCR), to resolve the above-referenced complaint and to ensure compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 - 12134, and its implementing regulation at 28 C.F.R. Part 35. Nothing in this Agreement shall be construed as an admission of wrongdoing or liability by the School. The School agrees to take the following action steps:

ACTION STEPS – School-Wide Remedies

1. By **June 1, 2016**, the School will revise and submit for OCR’s review and approval its policies and procedures to implement the School’s obligations under Section 504 and its implementing regulation at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36, regarding at a minimum, identification, evaluation, reevaluation, placement procedures, procedural safeguards, and provision of FAPE to qualified students with disabilities.

REPORTING REQUIREMENT: By **June 1, 2016**, the School will submit the revised policies and procedures it developed pursuant to Action Step 1 to OCR for review and approval.

2. Within 30 calendar days of OCR’s approval of the revised policies and procedures, the School will:
 - a. Adopt and implement the OCR-approved revised documents, publish the documents on its website, and include copies in its student and employee handbooks, if applicable. The School may add inserts to any existing handbooks and distribute those inserts to students and employees until such time as the hard copy handbooks may be appropriately updated. The School will ensure that any School documents or documents from other sources that are inconsistent with the revised procedure are updated or removed.
 - b. Notify students, parents, and guardians of the revised policies and procedures and where copies may be obtained by means that are designed to reach each student, parent, and guardian. Such means could include placing a notification in any regularly issued School newsletters or bulletins or sending a notice or a copy of the revised procedure home with each student.

- c. Provide copies of the revised documents to all School staff and administrators.

REPORTING REQUIREMENT: Within 30 calendar days of OCR's approval of the revised policies and procedures, the School will submit information to OCR documenting implementation of Action Step 2 above including: a description of the means used to provide notice to students, parents and guardians of the School's revised procedures and copies of any notices issued; the link to the procedures on the School's website; verification that any inconsistent School documents were revised or removed; and documentation that copies of the procedures were distributed to School staff and administrators.

3. Within 60 calendar days of receipt of the OCR's approval of the revised policies and procedures, the School will provide training by a competent authority on Section 504 to all administrators and staff members who are directly involved in the identification, evaluation, reevaluation, and placement of students with disabilities. At a minimum, the training will cover: the School's revised policies and procedures; Section 504 and Title II's prohibition against discrimination and different treatment on the basis of disability; Section 504 regulation requirements regarding the identification, evaluation, reevaluation, and placement of students with disabilities; the Section 504 regulation requirement that parents be provided with a meaningful opportunity to provide input into decisions regarding the identification, evaluation, reevaluation, and placement of students with disabilities; the Section 504 regulation requirement that parents and guardians be provided with notice of their procedural safeguards with respect to decisions regarding the identification, evaluation, reevaluation, and placement of students with disabilities; and Section 504's regulation requirement that students with disabilities be provided with a FAPE.

REPORTING REQUIREMENT: Within 60 calendar days of OCR's approval of the revised policies and procedures, the School will submit to OCR information documenting implementation of Action Step 3 above, including the following: date(s) of the training(s); a copy of the training agenda; copies of training materials used; the name, title, and qualifications of the person(s) who provided the training(s); and sign-in sheets for each session, including the name and title of each attendee.

ACTION STEPS – Individual Remedies

4. By June 14, 2016, the School will convene the Student's 504 team (the team) to make the determinations identified below in Action Step 5. The School will invite the Student's parent to participate in the team meeting, giving her reasonable notice, and in the event that the parent is unable to attend, the School will provide her a meaningful opportunity to provide input into team determinations. The School will also provide the Student's parent with a written notice of the team's determinations and of the procedural safeguards available to

her under 34 C.F.R. § 104.36, including her right to challenge such determinations through an impartial due process hearing.

REPORTING REQUIREMENT:

- a. If the parent declines the opportunity to meet with the team, the School will inform OCR in writing (email or U.S. Post) of the parent's decision no later than **June 24, 2016**.¹
 - b. If the parent is unable to attend the meeting, the School will provide OCR a copy of the team's determinations and a copy of the procedural safeguards, which it provided to the parent, no later than **June 24, 2016**.
5. The team will determine whether, between the beginning of the 20XX – 20XX school year and XXXXX XX, 20XX, the Student had a disability, as defined under the Section 504 regulation as a mental or physical impairment that substantially limits one or more major life activities. If the team determines that the Student did have a disability during that time period, then the Student was entitled to a free appropriate public education (FAPE) under Section 504. Accordingly, the team will determine, what, if any, compensatory education or other remedial services the Student requires from this time period.

REPORTING REQUIREMENTS: By **June 24, 2016**, the School will provide OCR with documentation to demonstrate its implementation of Action Step 5. OCR will review the documentation submitted to ensure that the School met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36, in making these determinations. The documentation provided to OCR shall include the following:

- a. Documentation showing when the team met, who was present, what was discussed;
- b. The team's decisions, and the bases for those decisions;
- c. A copy of any meeting minutes;
- d. A copy of any plan developed for the Student, documenting input provided by the Student's parent and showing that procedural safeguards were provided to her;
- e. If any, a copy of any compensatory education or other remedial services which were offered, in writing, to the Student's parent, and provided to the Student, including the dates, times, and locations that the compensatory education or other remedial services are to be provided to the Student;
- f. The name(s) and title(s) of the individual who will provide such services to the student;
- g. Should the services be rejected by the Student's parent, the School will provide OCR documentation of such rejection and documentation showing

¹ If this event occurs, the School's obligations to implement Action Steps 5 and 6 would be met.

- that it provided the parent with the written notice of procedural safeguards following the rejection; and,
- h. A copy of any other documentation relevant to the determinations reached in the meeting.
6. If the team determines that the Student had a disability under Section 504, as set forth in Action Step 5, the team must also conduct a XXXXX XXXXX XXXXX for the XXXXX XX, 20XX conduct for which the Student was XXXXX for XX days. If the team determines that the Student's XXXXX XX, 20XX conduct was a XXXXXXX of her XXXXX, the team will determine what, if any, compensatory education or other remedial services the Student requires as a result of the XX-day XXXXX.

REPORTING REQUIREMENT: By **June 24, 2016**, the School will provide OCR with documentation to demonstrate its implementation of Action Step 6. OCR will review the documentation submitted to ensure that the School met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36, in making these determinations. The documentation provided to OCR shall include the following:

- a. Documentation showing when the team met, who was present, what was discussed;
- b. The team's decisions, and the bases for those decisions;
- c. A copy of any meeting minutes;
- d. A copy of any compensatory education or other remedial services which were offered, in writing, to the Student's parent, including the dates, times, and locations that the compensatory education or other remedial services are to be provided to the Student;
- e. The name(s) and title(s) of the individual who will provide such services to the student;
- f. Should the services be rejected by the Student's parent, the School will provide OCR documentation of such rejection and documentation showing that it provided the parent with the written notice of procedural safeguards following the rejection; and,
- g. A copy of any other documentation relevant to the determinations reached in the meeting.

General Requirements

The School understands that OCR will not close the monitoring of this Agreement until OCR determines that the School has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36, which were at issue in this case.

The School 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 School understands that during the monitoring of this Agreement, if necessary, OCR may visit the School, interview staff and students, request such additional reports or data as are necessary for OCR to determine whether the School has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36.

The School 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 School written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/Brandon Wait
Executive Director

05.10.16
Date