
ACADEMY SCHOOL DISTRICT 20
OCR CASE NO. 08-15-1350
RESOLUTION AGREEMENT

In order to resolve the allegations investigated by the U.S. Department of Education, Office for Civil Rights (OCR), that the Academy School District 20 (District) failed to implement the Student's Section 504 plan pursuant to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131– 65, and its implementing regulation at 28 C.F.R. part 35, and while the District disagrees with OCR's findings and does not admit to any wrongdoing, the District agrees to implement the following Resolution Agreement.

1. The District will send a letter to the Complainant to invite her to return the Student for the balance of the 2015-2016 school year. The District will request that the Complainant return the Student within 15 days from the date of the letter in order to carry out the requirements in items #2 and #3 below in a timely manner.

Reporting Requirements 1:

- a. By **March 18, 2016**, the District will provide OCR a copy of the letter to the Complainant for OCR's review and approval.
 - b. Within **5 days** of OCR's approval of the letter, the District will verify in writing that the letter has been sent to the last known addresses of the Complainant.
2. If the Complainant decides to re-enroll the Student in the District, **within 60 days** of receiving Complainant's written consent for an evaluation, the District will conduct an evaluation and convene a meeting to determine placement in accordance with the requirements of 34 C.F.R §§ 104.34 and 104.35. This evaluation and placement meeting will include
 - a. Evaluation of the Student to determine the Student's specific needs for regular and special education and related aids and service in order to provide the Student a free, appropriate public education pursuant to 34 C.F.R § 104.33, including consideration of the independent educational evaluation conducted by XXXX and transmitted to the District on February 26, 2016.
 - b. Convening a group of knowledgeable individuals, including Complainant to review evaluation data and make a placement determination;
 - c. Review and, if necessary, revision of the Student's current Section 504 plan or development of a new plan to address any academic and behavioral issues identified and to ensure that the plan is not ambiguous or vague;
 - d. Review and consideration of the student's need for compensatory services, if any; and

- e. Review and documentation of the Student’s present levels of functioning; the Student’s homework concerns, if any; and input from the parents. The School will provide the Student’s parents notice of procedural safeguards including the right to challenge the group’s determination through an impartial due process hearing.

This re-evaluation will be conducted at no cost to the parents.

Reporting Requirement 2:

Within **5 days** of completing the requirements of this item, the District will provide OCR written documentation that it has completed this item. Documentation will include:

- a. A sign-in sheet of attendees including titles;
- b. Documentation of the record of review of the Student’s present levels of functioning, input from the parents, and whether there is a need for compensatory services;
- c. A detailed explanation of how the Section 504 team reviewed and revised the Student’s Section 504 plan, unless the team determines that the Student qualifies for special education services under the IDEA; and
- d. A copy of the Student’s revised Section 504 plan or Individualized Education Program (IEP), and

If the team determines that there is a need for compensatory services, a detailed explanation of the compensatory services that will be provided to the Student, with a plan for how and when those services will be provided.

3. The District understands that OCR will, prior to approving the District’s decisions and plans for providing FAPE and compensatory education, if any, review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations. The District will consider and respond to any feedback from OCR with respect to the Section 504 plan or IEP and compensatory education, if any.

Reporting Requirement 3:

By **April 15, 2016**, the District will notify OCR as to whether the Complainant has returned the Student to school. If the Student has not returned to school, the District’s obligation to the Student under this Agreement will end. If the Student returns to school, as soon as reasonably possible thereafter, and no later than 60 days after receipt of Complainant’s consent for evaluation, the District will inform OCR of the outcome of the evaluation conducted pursuant to paragraph 2 above. If new or revised Section 504 plan is developed, the District will provide OCR with a copy of the Student’s new or revised Section 504 plan developed in response to item 3 above.

4. The District will prepare training specifically for staff at the Student's school including administrators, teachers and related service providers charged with participating in Section 504 evaluations, placement, and the provision of services. Specifically, the District will:
 - a. Draft a training package on the policies and procedures regarding the provision of a free appropriate public education (FAPE) under Section 504 and on understanding and meeting the needs of students with disabilities, including the importance of clearly capturing and describing in a Section 504 Plan what accommodations the Section 504 Team agreed to provide students.
 - b. Identify the trainer or trainers that the District proposes to provide this training with the name and credentials of each. The credentials will include a curriculum vitae demonstrating that the trainer possesses experience in the areas identified in this training package.

Reporting Requirement 4:

By **April 15, 2016**, the District will provide documentation satisfying this item for OCR's review and approval.

5. The District will consider and respond to any feedback from OCR with respect to the draft training package and identification of the trainer(s). Within **30 days** of OCR's approval of both, the District will provide the training to the identified staff at the School.

Reporting Requirement 5:

Within **10 days** of conducting the training, the District will provide OCR copies of the sign-in sheets from the training and written verification that all identified individuals at the School completed the training.

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. The District also understands that by signing this Agreement, it is not admitting to any violation of any law or regulations and that the purpose of this Agreement is solely to resolve any differences between the District, the Student, the Student's family, and OCR. 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 the regulations implementing Section 504, at 34 C.F.R. §§ 104.7(b), 104.33, 104.34, and 104.35, and Title II, at 28 C.F.R. §§ 35.107(b) and 35.130(a) and (b)(1)(iii) which were at issue in this case. Any such visits will be pre-arranged by contacting counsel for the District.

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, at 34 C.F.R. §§ 104.7(b), 104.33, 104.34, and 104.35,

and Title II, at 28 C.F.R. §§ 35.107(b) and 35.130(a) and (b)(1)(iii) 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 shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

For the Academy School District 20:

_____/S/_____

_____/3/17/16_____

Date: