

**Resolution Agreement
Legacy Traditional Schools
Complaint Number 08-16-1249**

The U.S. Department of Education, Office for Civil Rights (“OCR”) received a complaint against Legacy Traditional Schools (“the School”) alleging that the School discriminated against the Complainant’s son (“the Student”) on the basis of disability by failing to provide the Student a free and appropriate public education by not implementing the Student’s Section 504 Plan’s requirement that classroom teachers not allow air fresheners in the classroom. OCR investigated the allegation and found that the School violated Section 504 of the Rehabilitation Act of 1973 (“Section 504”), 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 (“Title II”), 42 U.S.C. §§ 12131–65, and its implementing regulation at 28 C.F.R. part 35 in that it allowed air fresheners to be placed in the Student’s classroom. The School voluntarily agrees to implement the following terms of this Resolution Agreement.

1. The School will notify the Complainant, in writing, that the Student is welcome to re-enroll in the School. The notification will further state that if the Complainant accepts the School’s offer and chooses to re-enroll the Student in the School during the 2016-17 school year, the School will convene a team to review the Student’s Section 504 Plan and determine if the Student requires any compensatory services for the School’s failure to implement his Section 504 Plan.

REPORTING REQUIREMENT:

By December 7, 2016, the School will provide OCR with a copy of the letter sent to the Complainant, with proof that the letter was sent. If the Complainant chooses to re-enroll the Student, within 30 days of the re-enrollment, the School will provide OCR with documentation that a team was convened to determine if the Student requires compensatory services, and the results of the determination. If compensatory services are determined appropriate, the School will provide OCR with documentation that those services were provided. If the Student does not re-enroll in the School by the end of the 2016-17 school year, the School will notify OCR and OCR will close the monitoring of this term.

2. The School will send an email to all School staff informing them that all provisions of Section 504 Plans must be implemented at all times and that staff should appropriately notify administrators when a provision of a student’s 504 plan is not being implemented.

REPORTING REQUIREMENT:

By December 7, 2016, the School will provide OCR with a copy of the email that was sent to all staff.

3. The School will ensure that appropriate staff (at a minimum, the principal, assistant principal and Student's classroom teacher) receive training on the requirement that all provisions of Section 504 Plans must be implemented at all times, and that staff who interact with students on Section 504 Plans are responsible for reading and implementing the Plans.

REPORTING REQUIREMENT:

By December 7, 2016, the School will provide OCR with a copy of the proposed training materials and identification of the trainer for OCR's review and approval.

Within 30 days of OCR's review and approval, the School will conduct the training, and will provide OCR with a copy of the agenda for the training, a copy of any related handouts provided during or before the training, a list of staff required to attend, and a sign-in sheet for those who attended the training.

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 the regulations implementing Section 504 and Title II, 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 the Agreement, if necessary, OCR may visit the School, interview School employees and students, and 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 the regulation implementing Section 504 and Title II, which were at issue in this case.

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.

For Legacy Traditional Schools:

_____/s/_____
Superintendent

Date