

Resolution Agreement

In order to resolve this complaint filed with OCR under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act and without admitting to any violation of law, the Capistrano Connections Academy (Academy) agrees to implement the following resolution provisions.

1. By September 1, 2014, the Academy will do one of the following:
 - A) Document that it made a reasonable effort via multiple attempts (via meeting notices and telephone calls) to convene a Section 504 meeting for XXXXX XXXXXXXXXX (the Student), or,
 - B) Conduct a 504 meeting for the Student in person to discuss the re-enrollment in its on-line educational program and the need to add any accommodations and/or related aids and services to her Section 504 plan. The 504 team will determine whether additional evaluations and/or medical information is needed in order to make this decision. If an evaluation is deemed warranted by the team, because there are one or more suspected disabilities under IDEA, Permission to Evaluate (PTE) will be provided to the parents/guardian within the 10 day timeline. Upon receiving their signed consent, the school will have 60 calendar days to conduct an assessment and an eligibility meeting. At that time, the findings will be shared with the team and a plan will be developed if needed.
2. If the 504 team determines that the Academy's program cannot provide the Student with a free appropriate public education, because of the unique on-line nature of the program and the Student's individual disability-related needs, this decision will be documented in the Section 504 plan and procedural safeguards will be discussed with the Student and her parents. The Section 504 plan notes will indicate how the Student's school district of residence will be notified of this decision, so that the Student and her parents can pursue other educational options.
3. If the Academy is unable to convene the meeting, it will provide the Student's school district of residence with notice that she is no longer a student at the Academy
4. By September 15, 2014, 2014 the Academy will provide OCR with documents describing its efforts to contact the parents and Student to convene the meeting as required under 1.A and a copy of notice to the school district of residence under 3. OR a copy of the Section 504 plan and meeting notes as required under 1.B, including notice to the Student's school district of

residence (if applicable) and a copy of the Academy’s procedural safeguards provided to the Student and her parents during the meeting.

5. The Academy will provide follow-up information/training to all relevant staff on all situations that constitute a “significant change in placement” and thus require a prior evaluation and 504 team meeting. The Academy will provide OCR with documentation that all appropriate persons have received information/ training addressing these areas by September 1, 2014.

The Academy understands that OCR will not close the monitoring of this agreement until OCR determines that it has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, which were at issue in this complaint.

The Academy 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 Academy understands that during the monitoring of this agreement, if necessary, OCR may request from the Academy additional reports or data, or the opportunity to interview additional staff, as are necessary for OCR to determine whether the Academy has fulfilled the terms of this agreement and is in compliance with Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act.

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 a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Richard Savage
Principal

_____07/24/2014_____
Date