

RESOLUTION AGREEMENT
Thomas Jefferson Classical Academy
OCR Case Nos. 11-16-1253 and 11-16-1254

Thomas Jefferson Classical Academy (the School) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case Nos. 11-16-1253 and 11-16-1254. This Agreement does not constitute an admission by the School of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

I. POLICIES AND PROCEDURES

A. By October 14, 2016, the School will draft a revised version of all existing policies, procedures, regulations, and related documents and materials (*e.g.*, complaint forms, handbooks, notices to students and parents, website information) related to evaluation and eligibility for services under Section 504 and/or the IDEA and homebound services. The policies and procedures will, at a minimum, provide for the following:

1. Upon registration and/or subsequent notification from a parent, guardian, or School staff person that a student who, because of disability or suspected disability, needs or is believed to need special education or related services, the School shall initiate its process for considering the Student for evaluation under the IDEA and/or Section 504.
2. The School will timely evaluate any student who needs or is believed to need special education or related services due to a disability.
3. The School will comply with all requirements of Section 504 for students receiving homebound services who need or are believed to need special education or related services due to a disability.
4. A homebound plan may comply with the provisions of Section 504, provided that, where appropriate, students with homebound plans, who are students with disabilities who may need related aids and services, are provided evaluation, placement, and procedural safeguards required by the Section 504 regulation.

Reporting Requirement: By October 14, 2016, the School will provide OCR with draft revised policies and procedures pursuant to Section I.A for OCR's review and approval.

B. Within 30 days of OCR's approval, the School will publish the revised policies and procedures on its website; distribute a copy of the revised policies and procedures to all School staff by e-mail or other means; and provide OCR a copy of all relevant policies, procedures, regulations, and related materials (*e.g.*, handbooks) that were revised.

II. TRAINING

By December 1, 2016, if OCR has approved the policies and procedures outlined above, the School will provide training to all Grade K-12 school-level staff members and administrators who may participate in the Section 504 or IDEA eligibility process for students regarding the implementation of the policies and procedures adopted under this Agreement and the obligation to timely evaluate any student who needs or is believed to need special education or related services due to a disability and timely provide services for those students who are found eligible. Site administrators will, throughout the school year, integrate this information into existing trainings, meetings, and other appropriate opportunities to reinforce the protections of federal law to ensure that the School provides a free appropriate public education (FAPE) to students with disabilities.

Reporting Requirements:

- a. By November 4, 2016, the School will submit a draft plan for implementation of the training developed in accordance with Section II for OCR's review and approval, including the training date(s), the name and expertise of each presenter, and a description of the training content.
- b. By December 12, 2016, the School will provide a detailed description of or documentation related to all trainings provided to School employees pursuant to this Agreement, including the date(s) of each training and the name, position, and school/work site of each employee who attended the training.

III. INDIVIDUAL MEASURES

If either Student A or Student B enters the lottery process for enrollment for the 2017-18 school year and secures a spot through that process, the School will take the following actions: (a) the School will take reasonable steps to secure applicable student records from the sending school district upon actual enrollment by either Student; and (b) within 15 school days of receiving current student records from either the parent/guardian and/or the sending school district and after providing proper written notice to the Student's parent/guardian, the School will convene the appropriate team (504 or IEP), making all reasonable efforts to include the parent/guardian, to determine the appropriate course of action. If the team decides that it needs additional evaluative data, it shall expedite that process so as to complete the evaluative process and develop an appropriate plan to administer the agreed upon services no later than 30 days from the date of the initial 504 or IEP meeting. Within that same timeframe, the team shall consider whether the involved Student shall be entitled to any compensatory educational services for the time period the Student did not receive appropriate regular and/or special education or related services, and if so, what those services would be. The team will develop a plan for providing timely compensatory services with a completion date not to extend more than six months beyond the date that the 504 or IEP team determined that compensatory services were necessary. The appropriate team shall provide the Student's parent/guardian with notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

- a. Within one week of any meeting, the School will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation for decisions made, a description of and schedule for providing compensatory services (if any) to the Student, the notice of procedural safeguards, the written invitation to the Student’s parent/guardian, and a list of meeting attendees. 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. §§ 104.34, 104.35, and 104.36, in making these determinations.
- b. The School will provide the Student’s parent/guardian with written notice of the outcome of the meeting, including an explanation for decisions made and a description of and schedule for providing compensatory services (if any) to the Student. The School will provide a copy of this written notice to OCR within a week of providing it to the Student’s parent/guardian.
- c. Within one week of completion of the provision of compensatory services, the School will provide documentation to OCR of the dates, times, and locations that compensatory services were provided, a description of what was provided, and the name(s) of the service provider(s).

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, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35 respectively.

The School understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the School understands that during the monitoring of this Agreement, OCR may visit the School, interview staff 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 regulations implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35 respectively, 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 a minimum of sixty (60) calendar days to cure the alleged breach.

By: _____/S/_____ Date: _____9/26/16_____

Mr. Joe Maimone, Headmaster