

**Woodward Academy
OCR Docket #15-14-1345
Resolution Agreement**

Woodward Academy (the Academy) submits this Agreement (the “Agreement”) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint and to ensure the Academy’s 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, as well as with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. This Agreement is being voluntarily submitted by the Academy under Section 302 of OCR’s Case Processing Manual and before the completion of OCR’s investigation and any issuance of findings; accordingly, the Agreement is not an admission by the Academy of wrongdoing or liability. The Academy agrees to take the following actions:

ACTION STEPS — Individual Remedies

1. By **October 30, 2015**, the Academy will convene the Student’s Individualized Education Program (IEP) team (Team), including xxx xxxxxxxx xxxxxxxxxx xxxxxx xxxxxx xxxxxxxxxx xxxxxxxx xxxxxxxx to determine what compensatory education or other remedial services the Student requires for any failure by the District to provide xxxxxxxx xxxxxxxxxx xxx xxxxxxxx xxxxxx xxxxxxxxxx during the xxxx-xxxx school year. This reconvened IEP Team meeting can be part of a formal annual IEP review process, so long as the Academy completes the Action Steps by the dates set forth in the Agreement.
 - a. The Team will develop a written plan to provide the Student with compensatory education or other remedial services required for the xxxx-xxxx school year. The plan will include, at a minimum, xxx xxxxxxxx xxx xxxxxxxx xxxxxxxx and xxxxxx xxxxxxxxxxxxxxxxxx xxxxxx xxx xxxxxxxxxx services. The Team will also consider whether the Student needs any additional services or compensatory education, beyond the minimum described above, to address any harm the Student experienced as a result of not receiving xxxxxxxx xxxxxxxxxx xxx xxxxxx xxxxxx xxxxxxxx xxxxxxxx. The plan will identify the nature and amount of the services to be provided at no cost to the Student’s parent; by whom the services will be provided; and when the services will be provided. The plan will become part of the Student’s IEP.
 - b. In the event that the Student’s parent(s) is/are unable to attend the Team meeting, the Academy will provide the Student’s parent with a meaningful opportunity to provide input, written notice of the determinations made and notice of the procedural safeguards available to the parent under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

REPORTING REQUIREMENTS: By **October 30, 2015**, the Academy will submit to OCR documentation showing implementation of Action Item 1 above, including a copy

of any meeting minutes, a copy of the plan developed for the Student, documentation of the invitation extended to the parent to participate in the Team meeting and of any input provided by the Student's parent, documentation showing that the plan has been incorporated into the Student's IEP, documentation showing that procedural safeguards were provided to the parent, and any other documentation relevant to the determinations reached in accordance with Action Item 1 above. The documentation submitted shall include a description of and schedule for providing services to the Student. OCR will review the documentation to ensure that the Academy 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.

By June 30, 2016, the Academy will provide documentation to OCR of the dates, times, and locations that compensatory education or other remedial services were provided, a description of what was provided, and the name(s) and title(s) of the service provider(s).

ACTION STEPS — Academy-wide Remedies

2. By **October 30, 2015**, the Academy will submit for OCR's approval a proposed plan for training Academy staff on Section 504, to implement Action Step 3 below, along with the name and qualifications of the proposed trainer. The Academy will refrain from conducting the training required by Action Step 3 until OCR approves the training plan and the qualifications of the trainer.
3. Within 60 calendar days after OCR approves the District's training plan pursuant to Action Step 2, the Academy will provide training by a competent authority on Section 504 and the Academy's obligations to students with disabilities under Section 504. At a minimum, the training will cover the District's responsibilities regarding identification, evaluation, re-evaluation, and placement procedures required by Section 504 and its implementing regulation at 34 C.F.R. §§ 104.34, 104.35, and 104.36, as well as the District's obligation to provide qualified students with disabilities a FAPE (34 C.F.R. § 104.33). The District will provide the OCR-approved training to the Academy's Section 504 coordinator, all school administrators in the Academy, all teachers, and any other staff (e.g., paraprofessionals, speech therapists, school nurses, social workers) who may have a role in the identification, evaluation, and placement of students that have, or are suspected of having, a disability under Section 504, or who may have a role in the implementation of Section 504 plans or IEPs.

REPORTING REQUIREMENTS: By **October 30, 2015**, the Academy will submit for OCR's approval pursuant to Action Step 2: the proposed training information and materials, and the name and qualifications of a proposed trainer. Within 60 calendar days after OCR confirms implementation of Action Step 2, the Academy will submit information to OCR documenting implementation of Action Step 3: the 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); sign-in sheets or acknowledgments showing the names and job titles of all persons who received the

training; an organizational directory, so that OCR can verify that the entire set of persons who should have received the training actually did so.

General Requirements

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

The Academy also 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 visit the Academy, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Academy has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36.

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

/s/ _____
Superintendent or Designee

09/24/2015 _____
Date