

**VOLUNTARY RESOLUTION AGREEMENT**  
**OCR COMPLAINT NO. 01-14-1288**

Four Rivers Charter School (School) voluntarily agrees to take the following steps to resolve OCR Complaint No. 01-14-1288 consistent with Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II). This Agreement does not constitute an admission by the School of any violation of Section 504 or Title II.

I. Student Specific Remedies

- A. By May 31, 2015, the School will provide OCR, for its review and approval, documentation including the evaluation data, a list of team participants and titles, team meeting minutes, and a copy of the Section 504 plan or IEP that demonstrate the School completed the following steps with regard to the Student:
- i. Conducted a comprehensive evaluation of the Student's suspected disabilities. The evaluation will be validated for the specific purpose for which it is being used, administered by trained personnel, and tailored to assess the specific areas of educational need.
  - ii. Convened a team of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options, to determine if the Student is a qualified individual with a disability in need of special education and/or related services in order for the student to receive a free appropriate public education. The School will make efforts to include a parent in this meeting and will provide the parents with the opportunity to examine assessment results and all other relevant records prior to the team meeting.
  - iii. If the Team determines that the Student is eligible under Section 504, the Team will consider information from a variety of sources (including the evaluative data, academic assessment information, data, behavioral observations, and observations from parent and School faculty familiar with the student) to determine an appropriate placement (that is, a combination of regular or special education and/or related aids and services that are designed to meet the Student's individual educational needs as adequately as the needs of nondisabled students are met) and provide the student's parents/guardians with notice of their Section 504 procedural safeguards in a timely manner. If the Team determines the Student is eligible under the IDEA, it may develop an IEP consistent with the IDEA as a means of meeting its Section 504 obligations.
  - iv. If the Team determines home services is the appropriate placement, the Team will consider a broad range of services including tutors and online courses to ensure the Student has access to comparable coursework and opportunities as her peers, including special courses such as foreign language and science labs. The amount of hours to be provided will be based on the individual needs of the Student. The School will ensure that any tutors used are qualified in the areas they will be teaching. The team will establish clear guidelines on how work and feedback will be provided between teachers and tutors. In addition, the team

will consider any policies regarding attendance and timely work completion that will need to be modified for the Student.

- v. The Team's decisions will be memorialized in a written Section 504 plan. The plan will describe the student's disability and the regular or special education and or related aids and services needed. The plan will also specify how the services will be provided, by whom, and who is ultimately responsible for ensuring that all components of the plan are implemented. The School will provide the parent with a copy of the plan and procedural safeguards within two calendar weeks of the meeting.

- B. By January 31, 2016, the School will provide OCR with documentation of the provision of services, the Student's progress, and copies of 504 plans, grades, and meeting minutes, sufficient to establish that the above provisions have been satisfied for the 2015-2016 school year.

## II. School-wide Remedies

- A. By June 30, 2015, the School will develop and submit for OCR approval procedures for the evaluation and placement of students who need or are believed to need special education or related services pursuant to Section 504 and Title II. The procedures will ensure that:
  - i. Any student who may need regular or special education or related aids and services because of a disability is evaluated before taking any action with respect to the student's initial placement and before any subsequent significant change in placement;
  - ii. If a parent requests a Section 504/IEP evaluation, a team meeting is held to determine what the suspected disability is and what evaluation shall be undertaken to determine whether the student is eligible under Section 504 and what, if any, special education and related aids and services the student may need;
  - iii. The School is ultimately responsible for collecting evaluative data concerning a suspected disability and cannot unreasonably delay an evaluation waiting for a parent to produce documentation;
  - iv. Tests and other evaluation materials are administered by trained personnel and are reliable and are valid for the purpose for which they are being used;
  - v. In making eligibility decisions, the team determines whether the Student has a mental or physical impairment that substantially limits one or more major life activities;
  - vi. Placement decisions are made by a group of persons knowledgeable about the student, the evaluation data, and the placement options;
  - vii. Placement decisions are based on information from a variety of sources, with information from all sources being carefully considered and documented;

- viii. Students, at a minimum, are periodically reevaluated, including being reevaluated prior to any significant change of placement, such as being exited from a plan;
  - ix. Timeframes are clearly articulated for the major steps in the placement and evaluation of a student; and
  - x. At each decision point regarding identification, evaluation and placement of a student, parents and/or guardians are given procedural safeguards.
- B. By June 30, 2015, the School will submit for OCR's approval a revised attendance policy to ensure that modifications are made for qualifying students with disabilities.
- C. Within 30 days of OCR's approval, the School will provide OCR with documentation that it has provided notice of these procedures to staff, parents, and students in print and online.
- D. By January 31, 2016, the School will provide OCR with documentation, including attendance sheets and materials used, that it has conducted training for staff on Section 504 and the School's Section 504 policies.

### III. Monitoring

The School understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient 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 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 this agreement, if necessary, 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 regulation implementing Section 504 and Title II, which were at issue in this case.

The School also 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.

Signed on behalf of Four Rivers Charter School:

Date: March 25, 2015

/s/ Peter Garbus