

Resolution Agreement

OCR Complaint No. 03131097 Family Foundations Academy

In order to resolve the allegations in the above-referenced complaint filed with the United States Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (the ADA) and their implementing regulations, the Family Foundations Academy (the Academy) enters into this Resolution Agreement and commits to implement the provisions set forth in this Agreement in order to resolve this complaint.

Action Steps and Reporting Requirements

Memorandum to Academy Personnel

The Academy affirms that it complies with Section 504's requirements regarding the evaluation of students under Section 504, specifically, the Section 504 regulations at 34 C.F.R. §§ 104.35(a) and (b). By March 14, 2014, the Academy will send a memorandum to all personnel which contains the language in the Section 504 Regulations at 34 C.F.R. §§ 104.35(a) and (b) and explains the Academy's obligations in accordance with this regulation, quoting the following language from the regulations, "a recipient that operates a public elementary or secondary education program or activity shall conduct an evaluation in accordance with the requirements of paragraph (b) of this section of any person who, because of disability, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant change in placement. " This memo will expressly state that it is the recipient's obligation to conduct an evaluation under Section 504 and it is not the responsibility of a student's parent or guardian to provide supporting documentation or paperwork regarding the existence of a disability or establishing the need for services under Section 504. This memo will further state that even if a medical evaluation is a professionally accepted, reasonable element of an evaluation, a recipient cannot require parents/guardians to provide a medical diagnosis as a prerequisite to identifying the Student as eligible for services under Section 504 and implementing a Section 504 Plan and cannot delay or deny an evaluation pending provision of a medical diagnosis by parents/guardians.

Reporting Requirement

By March 14, 2014, the Academy will provide OCR with a copy of the memorandum and documentation showing the distribution list of personnel who received this memorandum and the method of issuance (e.g. email; hand-delivery to staff mailboxes, etc.)

Training

By May 1, 2014, the Academy will provide training to all personnel who are involved in any aspect of Section 504, including the referral and evaluation of students under Section 504 and the delivery of services under Section 504 through the implementation of Section 504 Plans. This training will include an overview of a recipient's responsibilities under Section 504, including the Academy's obligations to evaluate students under Section 504.

Reporting Requirements

By May 15, 2014, the Academy will provide OCR with the following documentation regarding this training: a copy of the sign-in sheets for attendees of the meeting, a copy of the presentation materials, and a description of the credentials of the presenter.

The Student

The Academy agrees to provide the Student with compensatory education services due to its xxxxxx xx xxxxxxxxxxx xxx xxxxxxx xxx x xxxxxxx xxx xxxx xxx providing him with services pursuant to a Section 504 Plan during the 2012-2013 school year. By March 14, 2014, the Academy will convene a multi-disciplinary team meeting to discuss and determine an appropriate award of compensatory services for the Student, including the nature and amount of services to be provided. In determining the amount of compensatory education to be awarded, the Academy should take into consideration that Academy personnel xxxxxxxxxxx xxxxxxxxxxx xxxx xxx xxxxxxx xxx xx xxxx xx x xxxxxxx xxx xxxx xx xxx xxxxxxxxxxx xxxxxxxx x, xxxx xxxxxxx xxx xxxxxxx, xxx xxx xxx xxxxxxxxxxx x xxxxxxx xxx xxxx xxx xxx xxxxxxxxxxx xxxxx xxx xx, xxxx. The Complainant will be invited to this meeting and the Student's teachers will also attend.

By March 14, 2014, the Academy will provide OCR with a report of the determinations made at this multidisciplinary meeting. This report will include a description of the compensatory education services to be provided (type of services and length of services) and how these services will be implemented (e.g. identification of the service provider, timeline for providing services, transportation to services, if applicable). Also, the Academy will provide OCR with a copy of a letter sent to the Complainant,

detailing this offer of compensatory services, to be accepted by the Complainant within 30 days of the date of the letter.

By May 1, 2014 or upon completion of the delivery of these services, if this occurs sooner, the Academy will provide OCR with verifying documentation showing that compensatory education services were provided to the Student. In the alternative, if the Complainant does not accept the offer of services, the Academy will advise OCR of this status.

The Academy agrees to comply with the terms of this Agreement until OCR has released it from monitoring. OCR will not close the monitoring until it determines that the Academy has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act (Title II), which are applicable to 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. During the monitoring of this Agreement, 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 complied with the terms of this Agreement and the provisions of Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act which are applicable to this complaint.

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

1/23/2014

Date

/s/

Director or Designee