

Resolution Agreement
St. Croix Preparatory Academy
OCR Docket #05-12-1320

St. Croix Preparatory Academy (SCPA) submits the following Agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to ensure its compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35, with respect to the allegations raised in the above-referenced complaint. SCPA agrees to take the following actions:

1. By November 21, 2014, SCPA will review and revise as needed the current policies, procedures and practices with respect to the identification, evaluation, and placement of students who need or are believed to need special education or related services. The review will ensure that:
 - a. Consistent with the requirements of Section 504 at 34 C.F.R. § 104.35, SCPA promptly evaluates or re-evaluates students who, due to disability, need are believed to need special education or related services, or students whose need for special education or related services may have changed, to determine the student's current need for such services.
 - b. SCPA has a system of procedural safeguards in place that complies with Section 504 at 34 C.F.R. § 104.36, which is responsive to requests made by, or on behalf of a student to establish or revise an existing individualized education plan (IEP) or Section 504 plan, or to evaluate or re-evaluate a student to determine the student's current needs for special education or related services.

REPORTING REQUIREMENTS: By December 12, 2014, SCPA will submit to OCR for review and approval a copy of its amended policies, procedures and practices with respect to the Item 1 above.

Within 30 calendar days of SCPA's receipt of written notification of OCR's approval of the amended policies, procedures and practices, SCPA will adopt and implement the amended policies, procedures and practices. Additionally, SCPA will post the newly-adopted policies, procedures and practices on its website. SCPA will distribute the notice of procedural safeguards to parents and guardians of students at least once annually, upon request for an evaluation, and upon request by a parent or guardian. The procedures will also be published in the parent/student handbook for the 2015-2016 school year.

2. By February 28, 2015, SCPA will send written notice and provide adequate annual training to all administrators and staff responsible for the identification, evaluation and placement of students who, due to disability, are believed to need special education or related services, or students whose need for such services may have

changes on the amended policies, procedures and practices referenced in Item 1 above. The notice and annual training will remind administrators and staff of:

- a. Their continuing obligation to take steps to ensure that any student who has been identified as a student with a disability, and for whom SCPA has developed an IEP or Section 504 plan, is evaluated or re-evaluated in accordance with SCPA policy and procedures whenever they receive information indicating that the student's need for special education or related services may have changed; and
- b. Their continuing obligation to take steps to ensure that the school responds adequately and timely to requests that are made to evaluate a student or to revise an existing IEP or Section 504 plan to reflect the student's current need for special education or related aids and services that are to be provided in accordance with Section 504, including the provision of homebound services, and to provide parents or guardians notice of SCPA's procedural safeguards and appropriate due process; and
- c. Their continuing obligation to provide a free appropriate public education (FAPE) through the consistent implementation of a properly developed IEP or Section 504 plan including the need for adequate recordkeeping of special education or related services provided.

REPORTING REQUIREMENTS: By March 15, 2015, SCPA provide OCR with a copy of the written notice sent to administrators and staff and a list of names and titles of administrators and staff who attended the training referenced in the Item 2 above. SCPA will also provide OCR with copies of the training materials and the name and title of the individual(s) who conducted the training.

3. By November 21, 2014, SCPA will send a letter to the parents of Students A, B, F and G, informing them that if they choose to re-enroll at SCPA, SCPA will convene an IEP meeting to determine if their child experienced a loss of educational services at SCPA since the 2012-13 school year and whether the student requires direct or indirect related services to address the prior provision of services. SCPA will provide each student's parent notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIREMENTS:

- a. By December 15, 2014, the SCPA will provide OCR with a copy of each letter and notification whether Students A, B, F, and G re-enrolled for the 2014-15 school year. If Students A, B, F or G do not re-enroll at SCPA for the 2015-16 school year, SCPA will notify OCR in writing by October 30, 2015.
- b. Within 30 calendar days of re-enrollment, the SCPA will convene the IEP meeting referenced in Item 3 above. The IEP team will develop a written plan for providing the student with the direct or indirect related services necessary. Within 2 weeks of the decision as to whether direct or indirect related services are needed, SCPA will submit to OCR documents supporting the IEP team's decision. The documentation submitted shall include documentation showing

the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services to Students A, B, F and G. OCR will, prior to approving SPCA's decision, review the documentation to ensure that SCPA met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making the determination.

- c. Within 30 calendar days of SCPA's completion of any direct or indirect services provided, SCPA will provide documentation to OCR of the dates, times, and locations that any compensatory and/or remedial services were provided to Students A, B, F, and G a description of what was provided, and the name(s) of the service provider(s).
4. By November 21, 2014, SCPA will send correspondence to the parent(s) or guardian(s) of Students E, H, and I and offer to evaluate or re-evaluate their child's current need for special education or related services if they decide to re-enroll at SCPA for the remainder of the 2014-15 school year or prior to October 30, 2015 for the 2015-2016 school year. The evaluation shall conform to the amended policies, procedure and practices contained in Item 1 above.

REPORTING REQUIREMENTS:

- a. By December 15, 2014, the SCPA will provide OCR with a copy of each letter and notification whether Students E, H, and I re-enrolled for the 2014-15 school year. If Students E, H or I do not re-enroll at SCPA for the 2015-16 school year, SCPA will notify OCR in writing by October 30, 2015.
- b. Within 30 calendar days of re-enrollment, the SCPA will conduct an evaluation or re-evaluation of the student as referenced in Item 4 above. If the student qualifies for special education or related aids and services, a group of knowledgeable people will develop a written plan for providing the student with the direct or indirect related services necessary. SCPA will provide each student's parent notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.
- c. Within 2 weeks of the decision as to whether related services are needed, SCPA will submit to OCR the decision of the group along with documents supporting the decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any services to Students E, H or I. OCR will, prior to approving SPCA's decision, review the documentation to ensure that SCPA met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making the determination.
- d. Within 30 calendar days of SCPA's completion of any direct or indirect services provided, SCPA will provide documentation to OCR of the dates, times, and locations that any services were provided to Students E, H, or I a description of what was provided, and the name(s) of the service provider(s).

SCPA 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, SCPA understands that during the monitoring of this Agreement, if necessary, OCR may visit SCPA, interview employees and students, and request such additional reports or data as are necessary for OCR to determine whether SCPA has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.34 - 104.36, and Title II at 28 C.F.R. § 35.130(a), which were at issue in this case.

SCPA understands that OCR will not close the monitoring of this Agreement until OCR determines that SCPA has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.34 - 104.36, and Title II at 28 C.F.R. § 35.130(a), which were at issue in this case.

SCPA 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 or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give SCPA written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Approved and agreed to on behalf of the St. Croix Preparatory Academy:

Superintendent or Designee

Date