

**Resolution Agreement**  
**Imagine International Academy of North Texas**  
**OCR Complaint No. 06141415**

The Imagine International Academy of North Texas (IIANT) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the IIANT commits to the following actions, consistent with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. §794, (amended 1992), 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. Both Section 504 and Title II prohibit discrimination on the basis of disability, as well as retaliation (34 C.F.R. §104.61, 28 C.F.R. §35.134).

The IIANT is committed to complying fully with Section 504 and Title II and, accordingly, it has voluntarily agreed to take the steps outlined in this Agreement. The IIANT understands that OCR has not made an investigatory finding that the IIANT has violated Section 504 or Title II, and the IIANT's signing of this Agreement does not constitute an admission by the IIANT that it has engaged in any wrongdoing or violated Section 504 or Title II as alleged. Accordingly, the IIANT hereby voluntarily agrees to take the following actions:

**ACTION ITEM 1: Training**

- 1.1 The IIANT will provide training, by a qualified individual<sup>1</sup>, to its Section 504/Title II Coordinator(s), teachers, and aides responsible for implementing and/or ensuring compliance with Section 504<sup>2</sup> at IIANT. The training shall address, at a minimum:
- (a) The IIANT's policies and procedures for carrying out its responsibilities under Section 504 and Title II to provide a free appropriate public education (FAPE) to each qualified disabled person who is within the IIANT's jurisdiction, regardless of the nature or severity of the person's disability;
  - (b) The identification and evaluation (including re-evaluation) of all students who, because of disability, need or are believed to need special education or related aids and services, consistent with the Section 504 regulation at 34 C.F.R. §104.35;
  - (c) The IIANT's obligation to make placement decisions in conformity with the Section 504 regulation at 34 C.F.R. §104.35(c), with specific emphasis regarding (1) the obligation to properly document information considered in making a placement decision, (2) the avoidance of making pre-determinations of coverage prior to group of knowledge persons meeting to consider information obtained and provided from a variety of sources; and (3) the obligation to ensure that

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<sup>1</sup> A person knowledgeable about the laws and issues pertaining to the identification, evaluation and placement of students who are, or are believed to be, disabled.

<sup>2</sup> The Agreement uses Section 504 for brevity purposes; however, the regulatory requirements are also applicable under Title II.

evaluation data considered by persons making the placement decision is accurate (so as to comply with the requirement that the placement decision be made by a group of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options);

- (d) The IIANT's obligation to effectively notify parents of (1) placement decisions, including re-evaluations, and (2) the IIANT's system of procedural safeguards, in accordance with the Section 504 regulation at 34 C.F.R. §104.36;
- (e) IIANT staff members' obligation to fully implement any individualized education program or 504 Plan that has been developed for a qualified student with a disability;
- (f) The importance of record-keeping in documenting and monitoring compliance with the FAPE requirements of Section 504, including, but not limited to, records regarding evaluation and placement of students, and provision of disability-related services pursuant to Section 504; and
- (g) The IIANT's obligations regarding, and policies and procedures governing or otherwise addressing, the prohibition of any IIANT employee or staff person from retaliating (e.g., intimidating, threatening, coercing) or discriminating against any individual for the purpose of interfering with any right or privilege secured by Section 504 and Title II, or because said individual has made a complaint, testified, assisted, or participated in any manner in an OCR complaint resolution process, pursuant to 34 C.F.R. §104.61 and 28 C.F.R. §35.134.

## **REPORTING REQUIREMENTS:**

- 1.2 By **March 27, 2015**, the IIANT will submit to OCR for review and approval, its proposal for complying with Action Item 1.1, above. Specifically, the IIANT will provide to OCR the name(s) and credentials of the individual(s) who it proposes to conduct the training session(s), and copies of the proposed materials the IIANT intends to use at the training session(s).
- 1.3 Within **45 calendar days**<sup>3</sup> of OCR's approval of the individual(s) and materials referenced in Reporting Requirement 1.2, the IIANT will provide the training listed in Action Item 1.1.
- 1.4 Within **10 days** of the completion of the training referenced in Reporting Requirement 1.3, the IIANT will provide OCR with documentation demonstrating that it has timely completed Action Item 1.1 above. Specifically, the IIANT will provide to OCR the names of all individuals who attended the training session(s) provided pursuant to Action Item 1.1, the date(s) and time(s) the training session(s) occurred, the name(s) and

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<sup>3</sup> All further references to numbers of days shall continue to be calendar days.

credentials of the individual(s) who conducted the training session(s), and copies of the materials disseminated at the training session(s).

## **ACTION ITEM 2: Policies/Procedures**

- 2.1 The IIANT will ensure that students with disabilities are provided with resources (including facilities, staff, and equipment, and programs and activities) that are equivalent to those provided to non-disabled students, except where the provision of different resources is necessary to provide students with disabilities with aids, benefits, or services that are as effective as those provided to non-disabled students.

This will include the IIANT's development and implementation of policies and procedures that ensure that educational services are provided to students with disabilities by teachers who have received training in the instruction of persons with the same specific disabilities as the students to whom they provide educational services.<sup>4</sup>

## **REPORTING REQUIREMENTS:**

- 2.2 By **March 27, 2015**, the IIANT will submit to OCR, for its review and approval, a copy of the policies and procedures it has developed pursuant to Action Item 2.1.
- 2.3 Within **30 days** of receipt of written notification from OCR of its approval of the IIANT policies and procedures, the IIANT will provide documentation to OCR evidencing that the policies and procedures developed in accordance with Action Item 2.1 have been fully implemented, and that informative communications have been provided to all IIANT staff notifying them of said policies and procedures.

## **ACTION ITEM 3: Individual Student**

- 3.1 By **March 6, 2015**, the IIANT will send the complainant a letter via certified mail, return receipt requested, notifying complainant that if the Student applies for re-enrollment and is accepted in accordance with IIANT's application and enrollment policies, IIANT will conduct an evaluation **within 30 days** of the Student's re-enrollment to identify the Student's need for special education or related aids and services, consistent with the Section 504 regulation at 34 C.F.R. §104.35, subject to receipt of parent's consent to evaluate Student. Pursuant to Section 504, at 34 C.F.R. §104.35, the evaluation should be conducted by a group of persons who are knowledgeable about the Student, the meaning of the evaluation data, and placement options within the IIANT. Prior to the conclusion of this evaluation, the IIANT will provide the complainant notice of the

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<sup>4</sup> Appendix A, Subpart D of the implementing regulation at 34 C.F.R. §104.33 (b) states that the quality of the educational services provided to disabled students must equal that of the services provided to nondisabled students; thus, disabled students' teachers must be trained in the instruction of persons with the disability in question and appropriate materials and equipment must be available. This requirement may be met through the full implementation of an Individualized Education Program (IEP) developed in accordance with the Individuals with Disabilities Education Act (IDEA).

IIANT's system of procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

If, **within 20 days** of the date on the signed returned receipt (3.1), the complainant has not submitted an application to re-enroll the Student, the IIANT will notify OCR of that fact by the **25<sup>th</sup> day**, and the IIANT will have no further obligation to report to OCR regarding Action Items 3.1 or 3.2.

Additionally, if the complainant refuses to sign the IIANT's evaluation parental consent forms, the IIANT is relieved of any further obligations identified under Action Item 3, and will inform OCR of same.

- 3.2 If IIANT receives consent to evaluate Student, IIANT agrees to convene a Section 504 and/or Admission Review and Dismissal/Individualized Education Program committee meeting to determine the Student's appropriate educational placement and needs with respect to Section 504 aids and services, or special education coverage, if applicable, including a determination regarding whether Student needs compensatory or remedial services based on Student's current levels of academic achievement and functional performance.

If so, **within 1 week** of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond five months from the date of the Student's re-enrollment into the IIANT.

#### **REPORTING REQUIREMENTS:**

- 3.3 By **March 10 2015**, the IIANT will provide OCR with a copy of the written notification sent to the complainant and Student in accordance with Action Item 3.1.
- 3.4 By **April 6, 2015**, the IIANT will submit to OCR a narrative report and documentation evidencing whether the complainant submitted an application to re-enroll Student and/or provided consent to evaluate the Student and the scheduled date of the evaluation.
- 3.5 If the Student re-enrolls in the IIANT and is so evaluated in accordance with Action Items 3.1 and 3.2:
- (a) **Within 15 days** of any evaluation conducted pursuant to Action Item 3.1, the IIANT will submit to OCR documents that evidence the Section 504 evaluation and meeting, including documents that support the committee's evaluation decision. The documentation submitted shall include, at a minimum, meeting minutes and related documentation evidencing that the meeting occurred; a copy of the document setting forth the related aids and services the committee determined to be necessary to meet the Student's individual needs; and procedural safeguard notices provided to the complainant in accordance with Action Item 3.1. OCR will review the documentation to ensure that the IIANT 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) **Within 15 days** of the decision as to whether compensatory and/or remedial services are needed, the IIANT will submit documents to OCR supporting the group's decision. The submitted records shall include documentation identifying the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing compensatory and/or remedial services (if any) to the Student. If compensatory and/or remedial services are needed, OCR will, prior to approving the IIANT's decision and plan for providing the proposed services, review the documentation to ensure that the IIANT 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.
- (c) If applicable, by **June 15, 2015**, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

The IIANT 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 regulations implementing Section 504 and Title II.

The IIANT understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements contained herein. Further, the IIANT understands that during the monitoring of this Agreement, if necessary, OCR may visit the IIANT, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the IIANT has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II.

The IIANT further 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 IIANT written notice of the alleged breach and a minimum of 60 calendar days to cure the alleged breach.

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Authorized Representative for the IIANT

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Date

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Printed Name and Title