

Resolution Agreement
Little Rock Preparatory Academy
OCR Complaint No. 06191225

The U.S. Department of Education, Office for Civil Rights (OCR) and the Little Rock Preparatory Academy (LRPA) enter into this Agreement to resolve the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply 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.

Prior to the completion of OCR's investigation, the District agreed to resolve this complaint pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the District agrees to take the following actions:

Action Item #1:

By **July 22, 2019**, LRPA will send the complainant a letter via regular mail and certified mail, return receipt requested, informing her XX—phrase redacted--XX, LRPA will conduct an evaluation of the Student pursuant to Section 504, at 34 C.F.R. § 104.35.

Reporting Requirement:

By **August 6, 2019**, LRPA will provide OCR with documentation, including copies of certified letters, demonstrating that it has timely completed Action Item #1.

Action Item #2:

If XX—phrase redacted--XX prior to the conclusion of OCR's monitoring of this Agreement, **within thirty (30) calendar days of the Student's reenrollment**, LRPA will convene a meeting of a group of persons knowledgeable about the Student, as defined by Section 504, to evaluate the Student for regular or special education and related aids and services and to consider whether the Student needs compensatory and/or remedial services as a result of any failure on the part of LRPA to timely evaluate, or reevaluate, the Student pursuant to Section 504, or provide appropriate regular and/or special education or related services to the Student during the Fall 2018 semester. If the group determines that the Student needs compensatory and/or remedial services, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **one hundred (100) calendar days from the date of the evaluation meeting**. LRPA will provide the Student's parent(s)/guardian(s) notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

- a. **Within forty-five (45) calendar days of the Student’s reenrollment in LRPA**, LRPA will submit to OCR documents supporting the group’s decision. The documentation submitted shall include:
 - i. A list of all participants in the meeting (including names, titles, role in the meeting, and whether or not the participant was a voting member of the group);
 - ii. Records of all information considered during the meeting;
 - iii. Minutes or notes from the meeting;
 - iv. An explanation of the decisions made during the meeting;
 - v. A description of and schedule for any compensatory and/or remedial services (if any) determined appropriate for the Student; and
 - vi. A copy of the written notification sent to the Student’s parent(s)/guardian(s) concerning the date and time of the meeting, and the right of the parent(s)/guardian(s) to attend, and proof of transmission (e.g., email chain, certified mail and tracking receipt, etc.).

- b. If compensatory and/or remedial services are deemed necessary, **within one hundred fifteen (115) calendar days of the date of the evaluation meeting**, LRPA 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 how it was provided; and the names, titles, and contact information (telephone numbers and email addresses) of the service providers.

Action Item #3:

Within thirty (30) calendar days after LRPA receives written notification of OCR’s approval of the training(s) described in this Action Item, LRPA will conduct training regarding its obligation under Section 504 and Title II to provide a free appropriate public education (FAPE) to all qualified students with disabilities attending its schools, and Section 504’s and Title II’s prohibition of retaliation. The training(s) must be provided to all relevant LRPA personnel, including, but not limited to, principals, special education coordinators, Section 504/Title II coordinators, teachers, teacher’s aides, counselors, and relevant administrators. The training(s) will be conducted by an individual or individuals knowledgeable about laws and issues pertaining to disability discrimination and retaliation, including the issues below, and must address, at a minimum, the following:

- i. Section 504’s and Title II’s prohibition of disability discrimination;
- ii. LRPA’s obligation to identify and evaluate all students within its jurisdiction who, because of disability, need or are believed to need regular or special education or related aids and services;
- iii. LRPA’s obligation to reevaluate a student’s need for regular or special education and related aids or services when the Student has a significant change in placement;
- iv. LRPA’s policies and procedures for carrying out its responsibilities to evaluate a student pursuant to Section 504;

- v. LRPA obligation to abide by the requirements of Section 504 and Title II, as they relate to the provision of a FAPE, including the obligation of staff members to fully implement any individualized education program or Section 504 plan that has been developed for a qualified student with a disability; and
- vi. Instruction on what type of conduct constitutes retaliation under Section 504 and Title II.

Reporting Requirements

- a. By **July 22, 2019**, the LRPA will provide OCR, for OCR’s review and approval, the proposed training materials to be used and distributed during the training described in Action Item #4, including all speaker’s notes, handouts, and PowerPoints (or other presentations), and the name, title, contact information, and qualifications of the trainer(s).
- b. **Within forty-five (45) calendar days after LRPA receives written notification of OCR’s approval of the training described in Action Item #4**, LRPA will provide to OCR documentation demonstrating that relevant personnel have received that training, including the date(s) of the training; the names, titles, contact information, and qualifications of the trainer(s); a copy of all materials used and distributed during the training; and a sign-in sheet with the names and titles of individuals who attended the training.

Donna Broyles, Interim Superintendent
Little Rock Preparatory Academy

Date