

RESOLUTION AGREEMENT
Cumberland Academy
Complaint Number 06-19-1270

The U.S. Department of Education (Department), Office for Civil Rights (OCR), and the Cumberland Academy (Academy) enter into this agreement to resolve the allegations in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the Academy. The Academy assures OCR that it will take the following actions, consistent with its obligation to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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. §§ 12131 *et seq.*, and its implementing regulation, at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

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

Action Item

The Academy will provide training to teachers, administrators and staff at xxxxxxxxxxxx xxxx xxxxxx Cumberland High School regarding the Academy's obligations pursuant to Section 504 and Title II to provide a free appropriate public education (FAPE) to all qualified students with disabilities residing within its jurisdiction, including the provision of accommodations to students with disabilities pursuant to their needs. The training will be conducted by an individual(s) knowledgeable about the laws and issues pertaining to disability discrimination and shall address, at a minimum, the following:

- a) The Academy'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 Academy's jurisdiction, regardless of the nature or severity of the person's disability;
- b) The Academy's obligation to conduct an evaluation of any student who, because of disability, needs or is believed to need special education or related services before (1) taking any action with respect to the initial placement of the student in regular or special education and (2) any subsequent significant change in the student's placement, consistent with the Section 504 regulations, at 34 C.F.R. § 104.35;
- c) The Academy's obligation to ensure that placement decisions are made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, in conformity with the Section 504 implementing regulations, at 34 C.F.R. §§ 104.35(c) and 104.34;

- d) The requirements, importance, and methods of providing students with disabilities related aids and services determined necessary to meet the Student's individual educational needs pursuant to Section 504, at 34 C.F.R. § 104.33, and Title II, at 28 C.F.R. § 35.130;
- e) The obligation to fully implement any Section 504 Plan that has been developed for a qualified student with a disability; and
- f) The Academy's obligation to effectively notify parents of (1) placement decisions, including re-evaluation decisions, and (2) the Academy's system of procedural safeguards, in accordance with the Section 504 regulations, at 34 C.F.R. § 104.36.

Reporting Requirement

- a) **Within 60 days** of the signing of this Agreement, the Academy will submit to OCR, for review and approval, its proposal for complying with the Action Item above. Specifically, the Academy 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 Academy intends to use at the training session(s).
- b) **Within 60 days** of OCR's approval of the individual(s) and materials referenced in Reporting Requirement (a), the Academy will provide the training listed in the Action Item above.
- c) **Within 30 days** of the completion of the training referenced above, the Academy will provide OCR with documentation demonstrating that it has timely completed the Action Item above. Specifically, the Academy will provide to OCR the names of all individuals who attended the training session(s), the date(s) and time(s) the training session(s) occurred, the name(s) and credentials of the individual(s) who conducted the training session(s), and copies of the materials disseminated at the training session(s).

The Academy 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 Academy also 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 Academy understands that during the monitoring of this agreement, if necessary, 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 fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

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 proceeding to enforce this agreement, OCR shall give the Academy written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the Academy's representative below.

Norma Cotton, Director
Cumberland Academy

Date