

**Resolution Agreement**  
A+ Unlimited Potential Charter School  
OCR Reference No. 06-19-1886

The A+ Unlimited Potential Charter School (School) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the School 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, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and their respective implementing regulations, to resolve the compliance concerns raised by the complaint allegations. The School understands that OCR will not close the monitoring of this Agreement until OCR determines that the School has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, at 34 C.F.R. §§ 104.3, 104.4, 104.33, 104.35, and 28 C.F.R. § 35.130, respectively, which were at issue in this case. This Agreement does not constitute an admission by the School that it discriminated or otherwise engaged in any wrongdoing.

The School hereby voluntarily commits to the following:

**Action Item #1:**

By **March 15, 2020**, the School will send the Complainant a letter via regular mail and certified mail, return receipt requested, inviting the Student to re-enroll into the School and informing the Complainant that, upon re-enrollment, the School will conduct an evaluation of the Student to determine the Student's educational placement and eligibility for special education and related aids and services, pursuant to Section 504, at 34 C.F.R. §§ 104.33 and 104.35 and Title II at 28 C.F.R. § 35.130. The letter will state that during the evaluation, the School will determine whether the Student needs compensatory and/or remedial services as a result of the School's alleged failure to evaluate the Student under Section 504 during the 2018-19 school year. The School will provide the Student's parents with a minimum of **30 calendar days** to respond.

**Reporting Requirements:**

By **April 1, 2020**, the School will provide OCR with documentation, including copies of certified letter(s), demonstrating that it has timely completed Action Item #1.

**Action Item #2:**

If the Complainant accepts the School's offer by re-enrolling the Student, the School will conduct the Section 504 evaluation **within thirty (30) calendar days** of the Student's re-enrollment. During the evaluation, a group of knowledgeable persons (Group) – including persons knowledgeable about the child, the meaning of the evaluation data and the placement options – will evaluate the Student's eligibility to receive related aids and services under Section 504 and will determine whether the Student needs compensatory and/or remedial services as a result of the

School's alleged failure to evaluate the Student under Section 504 during the 2018-19 school year. If the group determines compensatory services are necessary, the group will develop a plan for providing timely compensatory and/or remedial services. The School will provide the Complainant notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

### **Reporting Requirements:**

- a) By **May 1, 2020**, the School shall provide documentation to OCR evidencing that the evaluation required pursuant to Action Item #2 has been conducted. The documentation provided to OCR shall include documentation of the appropriate compensatory educational services that the group has determined are necessary to meet the Student's individual educational needs. If the Group determines that the Student is not in need of any compensatory educational services, then the School shall provide documentation to OCR evidencing its determination, including the documentation relied upon by the Group in reaching this determination. OCR will review the documentation submitted to ensure that the Group has, in reaching its determination, met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36.
- b) If the Group has determined that compensatory educational services are required for the Student, then by December 31, 2020, the School shall provide documentation to OCR evidencing that the agreed-upon services have been provided for the Student.

### **Action Item #3:**

By **May 1, 2020**, the School will provide training regarding its obligation under Section 504 and Title II to provide a free appropriate public education (FAPE) to all qualified students with disabilities residing within its jurisdiction, to re-evaluate all disabled students transferring into the School, and to re-evaluate students prior to significant changes in placement. The training should be provided to all relevant personnel, including, but not limited to, administrators, faculty, and counselors. The training will be conducted by one or more individuals knowledgeable about the laws and issues pertaining to disability discrimination, the evaluation of students who are or are believed to be disabled, and retaliation. The training shall address, at a minimum:

- The District's policies and procedures for carrying out its responsibilities to evaluate and re-evaluate students pursuant to Section 504, at 34 C.F.R. § 104.35;
- District staff members' obligation to fully implement any Section 504 Plan that has been developed for a qualified student with a disability;
- The District's policies and procedures for carrying out its obligation to provide procedural safeguards; and
- The District's obligation to refrain from retaliating against any person because that person, or anyone else, exercised any right or privilege pursuant to Section 504 or Title II.

**Reporting Requirement:**

- a. At least 30 calendar days prior to the provision of the training described in Action Item #3, the School shall submit to OCR, for review and approval, the identity and qualifications of the individual identified by the School to provide the training. The School shall also provide to OCR a copy of the proposed training or detailed summary of the content proposed to be covered. If OCR has any objections to the content of the training, OCR will promptly notify the School, no later than 10 calendar days prior to the date of the scheduled training.
  
- b. By **July 1, 2020**, the School shall submit to OCR documentation evidencing that the training required by Action Item #3, has been conducted. The School shall also submit to OCR documentation evidencing the name and title of individuals attending the training and the date(s) the training was conducted.

**GENERAL PROVISIONS**

The School understands that by signing the Agreement, it agrees to provide data and other information in a timely manner. Further, the School understands that, during the monitoring of the Agreement, OCR may visit the School, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the School has fulfilled the terms of the Agreement and is in compliance with Section 504 and Title II, which were at issue in this case.

School understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the School has fulfilled the terms of the Agreement and is in compliance with Section 504 and Title II, which were at issue in this case.

The School understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the School written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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Mr. Paul Castro  
Superintendent  
A+ Unlimited Potential Charter School

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Date