

RESOLUTION AGREEMENT
West Gilbert Charter Elementary School, Inc.
Case Number 08-14-1282

In order to resolve the allegation in case number 08-14-1282, filed against West Gilbert Charter Elementary School, Inc. (the Recipient), and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the Recipient agrees to implement this Resolution Agreement. This case was initiated pursuant Section 504 of the Rehabilitation Act of 1973 and its implementing regulation, which prohibit discrimination on the basis of disability in programs and activities funded by the U.S. Department of Education; and Title II of the Americans with Disabilities Act and its implementing regulation, which prohibit discrimination on the basis of disability by public entities.

This Agreement addresses OCR's finding that the Recipient failed to evaluate a student suspected of having a disability.

1. The Recipient will review the policies and procedures it uses at each school chartered by the Recipient for identifying and providing services to students with disabilities that comply with the requirements of Section 504 and 34 C.F.R. §§ 104.32-104.37, revise the policies and procedures as necessary to ensure compliance with the regulatory requirements, and submit the policy and procedures to OCR for review. The Recipient should address procedures for evaluating a student who has an Individualized Education Program pursuant to IDEA, but who is suspected of having an additional disability that does not qualify for IDEA services, but meets the definition in 34 C.F.R. § 104.3(j).

REPORTING REQUIREMENT: By August 6, 2015, the Recipient will submit to OCR for review and approval the above-mentioned policies and procedures.

2. The Recipient will consider and respond to any feedback from OCR with respect to its draft policy and procedures for identifying and providing services to students with disabilities. After obtaining OCR's approval of the policy and procedures, the Recipient will publish and make available to the public the procedures it uses for identifying and providing services to students with disabilities that comply with the requirements of Section 504 and 34 C.F.R. §§ 104.32-104.37. At minimum, the policy and procedure will be made available in parent handbooks beginning with the 2016-17 school year, included in the online version of the parent handbooks, and on the school websites for each school chartered by the recipient in the state of Arizona.

REPORTING REQUIREMENT: Within 60 calendar days of obtaining OCR's approval of the policies and procedures, the Recipient will provide OCR documentation that shows where the policies and procedures have been posted (e.g., links to the schools' public websites).

3. The Recipient will draft in-service training materials, identifying one or more persons knowledgeable about Section 504 and Title II who will provide the training. The training will be provided, at minimum, to all the Recipient's instructional staff at Imagine Schools West Gilbert. The training will include, but is not limited to: information on the Recipient's obligation to identify and evaluate students suspected of having disabilities, and the obligation to provide appropriate disability-related aids and services.

REPORTING REQUIREMENT: Within 30 calendar days of obtaining OCR's approval of the policy and procedures submitted pursuant to Term 1, the Recipient will submit its proposed training materials to OCR. Such documentation will include the draft training materials for OCR's review and approval, the name and qualifications of the intended trainer, and a list of individuals who will receive the training.

4. The Recipient will consider and respond to any feedback from OCR with respect to the training materials identified in Term 3. After obtaining OCR's approval, the Recipient will schedule and conduct an in-service training for the staff members identified.

REPORTING REQUIREMENT: Within 45 calendar days after obtaining OCR's approval of the training materials, the Recipient will submit to OCR documentation that the training was provided. Such documentation will include the agenda and handouts for the training, the date and time the training was held, and a copy of the attendance sheet from the training including the names and title of each participant, along with a written assurance from the Recipient that all required attendees were present during the training.

5. After providing proper written notice to the Student's parent, the Recipient will perform a comprehensive evaluation of the Student pursuant to the requirements of 34 C.F.R. §§ 104.32-104.37, which may include the acquisition of appropriate medical tests and consultation. If the team convened to review the evaluation data determines that the Student has a disability in addition to those already categorically identified in his IEP and, as a result, needs additional special education or related services, the team will develop and implement an updated written plan without impinging on the rights of the student with a service animal. Additionally, the team will consider whether the Student requires compensatory or remedial educational services for the period of time he had not been evaluated during school year 2014-2015, including lost educational time attributable to asthma or respiratory allergy.

REPORTING REQUIREMENT: By September 30, 2015, the Recipient will provide to OCR a copy of the evaluation results, the names of participants in the team meeting, the information considered, any additional meeting minutes, an explanation of any decisions reached, and, if applicable, a copy of the updated written plan for the Student, and the plan for compensatory or remedial educational services. The Recipient understands that OCR will, prior to approving the decision and plan for providing the compensatory or remedial educational services, review the documentation to ensure that the Recipient met the requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.32-104.37, in making these determinations.

If a plan for compensatory or remedial educational services is appropriately established for the Student, the Recipient will provide to OCR documentation demonstrating the provision of these services by October 19, 2015.

The Recipient understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the Recipient understands that during the monitoring of this Agreement, OCR may visit the Recipient, interview staff and students and request such additional reports or data as are necessary for OCR to determine whether the Recipient 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. §§ 104.32-104.37, which were at issue in this case.

The Recipient 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 34 C.F.R. §§ 104.32-104.37, which were at issue in this case.

The Recipient 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 Recipient written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

For West Gilbert Charter Elementary School, Inc.:

/s/

Name:

Date:

Title: