

**Resolution Agreement
La Paloma Academy
Case Number 08-16-1255**

The U.S. Department of Education, Office for Civil Rights (“OCR”) received a complaint against the La Paloma Academy alleging that the Academy retaliated against her for advocating for her son with a disability when it acted to intimidate her when it referred her to local law enforcement for violating truancy laws, reducing her son’s special education hours and asking the Child Protective Services to investigate her. We found that the Academy retaliated against the complainant when it referred her to law enforcement for truancy after the Academy had expelled her son.

The Academy’s actions violated Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. pt. 104, which provide that no program or activity receiving Federal financial assistance from the U.S. Department of Education may discriminate on the basis of disability; and Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12131-65, and its implementing regulation at 28 C.F.R. pt 35, which prohibit discrimination on the basis of disability by public entities. Specifically, individuals filing a complaint, participating in an investigation, or asserting a right under Section 504 and Title II are protected from intimidation or retaliation by 34 C.F.R. § 104.61, which incorporates 34 C.F.R. § 100.7(e), and 28 C.F.R. § 35.134.

1. By August 1, 2017, the Academy shall provide the Complainant a check in the amount of (\$XX).¹

REPORTING REQUIREMENT: By August 31, 2017, the Academy will provide OCR with documentation evidencing payment to the Complainant of \$XX.

2. Within 60 days of the effective date of this Agreement, the Academy shall develop a policy for complaints of retaliation and training to staff and administrators, with particular emphasis on the requirements of Section 504 of the Rehabilitation Act of 1973, and its implementing regulation found at 34 C.F.R. pt. 104.; and Title II of the Americans with Disabilities Act of 1990, and its implementing regulation at 28 C.F.R. pt. 35. The Academy will submit its newly drafted policy to OCR for approval before training its staff and administrators on the new policy.

REPORTING REQUIREMENT: By July 28, 2017 the Academy will provide OCR with a copy of its newly drafted policy called for in #2 for approval.

3. Within 45 calendar days of written notification from OCR that the policy for complaints of retaliation and training to staff and administrators developed in accordance with #2 above are consistent with Section 504 and Title II requirements, the Academy will adopt and implement the policy and will provide all relevant Academy staff members with training on the Academy’s new policy.

¹ This amount represents XXXX.

REPORTING REQUIREMENT: Within 45 calendar days of the completion of #2 above, the Academy will provide OCR with documentation that it has provided appropriate Academy staff with the training referenced in item #3, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a sign-in sheet with the names and titles of the Academy's staff who attend the training.

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 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. pt. 104; and Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12131-65, and its implementing regulation at 28 C.F.R. pt 35, which were at issue in 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 proceedings 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.

The Academy 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 regulation implementing Section 504 and Title II, which were at issue in this case.

Dated as of May 30, 2017

/s/

Jackie Trujillo-Watins
Superintendent