

Resolution Agreement
Camelback Academy
OCR Complaint Number 08-16-1426

Camelback Academy (the Academy) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR). By this Agreement, the Academy 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 (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. The Academy is committed to complying fully with Section 504 and Title II, and, accordingly, it has voluntarily agreed to take the steps outlined in this Agreement. This Agreement does not constitute an admission by the Academy that it discriminated or otherwise engaged in any wrongdoing. The Academy hereby voluntarily commits to the following:

By the following dates, the Academy will complete the following actions:

1. By December 5, 2016, the Academy will send the Student and her parents/guardians a letter via certified mail, return receipt requested, inviting the Student to re-enroll upon the Academy's receipt of a completed application for enrollment and informing the Student and guardian that upon re-enrollment, the Academy will conduct an evaluation of the Student pursuant to Section 504, at 34 C.F.R. § 104.35. The letter will explicitly state that the Academy's invitation for the Student to re-enroll will be open for the remainder of the 2016-2017 academic year.

REPORTING REQUIREMENTS:

- A. By November 4, 2016, the Academy will provide OCR with a draft of the letter inviting the Student to re-enroll for OCR's approval.
 - B. Within 14 calendar days of OCR's approval of the letter, the Academy will provide OCR with documentation, including copies of certified letters, demonstrating that it has timely completed Action Item 1.
 - C. By January 10, 2017, the Academy will submit to OCR a narrative report documenting whether the Student has accepted the Academy's offer to re-enroll/evaluate the Student and the scheduled date of the evaluation.
2. If the Student accepts the Academy's invitation to re-enroll in connection with Action Item 1, and if the Student has not been evaluated to determine whether she should receive any special education and/or related aids and services by another school or Local Education Agency (LEA) within the past year, the Academy will conduct the Section 504 evaluation **within sixty (60) calendar days** of the Student's re-enrollment. During the evaluation, a group of knowledgeable persons – including persons knowledgeable about the child, the meaning of the evaluation data and the placement options – will determine whether the Student should receive any special education and/or related aids and services

in order to receive a free appropriate public education (FAPE). If the Student's Team determines that the Student should receive special education and/or related services, the Team will next consider whether the Student is entitled to compensatory and/or remedial services to make up for any services that the Student's Team agrees the Student requires in order to access the general curriculum and that the Student would have been provided had she remained enrolled and been eligible for such services. If so, within thirty (30) calendar days of its determinations, the group will develop a plan for providing both timely special education and/or related aids and service and compensatory and/or remedial services with a completion date not to extend beyond December 31, 2017. The Academy will provide the Student's parents/guardians notice of the Section 504 procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIREMENTS:

- A. Within thirty (30) calendar days of making its evaluation decisions with respect to the Student as indicated in Action Item 2, the Academy will submit to OCR documents supporting the group's decisions. The documentation submitted shall reflect (1) the participants in the meeting, (2) an explanation for decisions made, (3) the information considered, (4) a description of and schedule for providing any special education and/or related aids and services to the Student, and (5) a description of and schedule for providing any compensatory and/or remedial services to the Student. Prior to approving the Academy's decisions and plans for providing the proposed services or taking the proposed actions, OCR will review the documentation to ensure that the Academy met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.33-104.36 in making these determinations.
 - B. In the event the Academy determines that the Student is entitled to compensatory and/or remedial services, the Academy will provide to OCR, no later than December 31, 2017, documentation of the dates, times, and locations that any compensatory and/or remedial services were provided. The documentation shall include a description of the services provided and the name(s) of the providers.
3. By December 5, 2016, the Academy will expunge the Student's disciplinary records for the first two days of the 2016-2017 school year and notify the Student's parents/guardians in writing (via certified mail, return receipt requested) that the first two days of the Student's 2016-2017 disciplinary record was expunged.

REPORTING REQUIREMENTS:

- A. By December 5, 2016, the Academy will submit to OCR documentation demonstrating that the first two days of the Student's 2016-2017 disciplinary record was expunged and a copy of the written notice sent to the Student's parents/guardians in connection with Action Item 3.

4. By February 21, 2017, the Academy 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 enrolled at the Academy. The training should be provided to all relevant personnel at the Academy, including, but not limited to, administrators, faculty, and counselors. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to disability discrimination, the evaluation of students who are or are believed to be disabled, and the discipline of students with disabilities. The training shall address, at a minimum:
 - The Academy's obligation to identify and evaluate all students who are currently enrolled at the Academy who, because of disability, need or are believed to need regular or special education or related aids and services;
 - The Academy'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;
 - The Academy's policies and procedures for carrying out its obligation to provide procedural safeguards pursuant to Section 504, at 34 C.F.R. § 104.36;
 - The Academy's obligation, when disciplining a student with a disability, to conduct a manifestation hearing prior to issuing any exclusionary discipline that could constitute a significant change in the student's placement; and
 - The Academy'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 REQUIREMENTS:

- A. By January 10, 2017 the Academy will provide OCR with draft training materials for OCR's review and approval, as well as identification of the intended trainer(s) and information about the trainer's qualifications.
- B. Within 60 days of OCR's approval of the training materials and trainer, the District will provide OCR with documentation demonstrating that it has timely completed Action Item 4. At a minimum, the documentation should include the date(s) of the training, the identity and qualifications of the trainer(s), a copy of all written materials provided, and a copy of sign-in sheets indicating the attendees.

The Academy understands that OCR will not close the monitoring of this Agreement until OCR determines that the Academy has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.35, and Title II, at 28 C.F.R. § 35.130, which were at issue in this case.

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 contained herein. 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, at 34 C.F.R. § 104.35, and Title II, at 28 C.F.R. § 35.130, which were at issue in this case.

The Academy further 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 60 calendar days to cure the alleged breach.

/s/

Ms. Karen Kordon
Camelback Academy

1/9/2017

Date