

Resolution Agreement

Legacy Traditional Schools, XXX OCR case number 08-20-1119

Legacy Traditional Schools, XXX (“School”) enters into this Agreement to resolve an allegation in the above-referenced complaint. The School assures the Office for Civil Rights (OCR) that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (“Section 504”), as amended, 29 United States Code (U.S.C.) Section 794, and its implementing regulation, at 34 Code of Federal Regulations (C.F.R.) Part 104, and Title II of the Americans with Disabilities Act of 1990 (“Title II”), 42 U.S.C. Section 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.

Pursuant to Section 303(b) of OCR’s Case Processing Manual the School agrees to implement the following corrective actions.

- I. **Staff Training.** The School agrees to provide training to all staff at the School including the School’s Section 504 coordinator, health assistants, teachers, administrators, and aides, on the following topics:
1. Individualized Education Program (IEP) and Section 504 Plan implementation.
 2. Appropriate accommodations for students with diabetes.

REPORTING REQUIREMENT I(A): By July 1, 2020, the School will submit to OCR for review and approval:

1. Draft materials that will be used to train School staff.
2. The name(s), title(s) or position(s), and qualifications of one or more proposed individuals to provide the training to the School’s staff and administrators.

REPORTING REQUIREMENT I(B): Within thirty (30) calendar days of receiving OCR’s final approval of the materials and trainer(s), the School will provide the training to all School staff and administrators.

REPORTING REQUIREMENT I(C): Within fifteen (15) calendar days of the training being provided, the School will provide to OCR:

1. The date, time, and location of the training.
2. Confirmation that the approved trainer(s) delivered the training.
3. The agenda and materials from the training.
4. A current staff roster for the School.
5. The names and titles of all staff who attended the training.
6. The name(s) and title(s) of all staff who were required to attend the training but who did not attend the training, an explanation for each person’s absence, and make-up dates for the training.

- II. **Compensatory Education.** The School agrees to send a letter to the Complainant inviting the Complainant to attend a Section 504 Plan meeting within thirty (30) days to discuss whether the Student is entitled to compensatory services or remedial measures due to the School not implementing the Student’s IEP.¹ In the letter, the School will invite the Complainant to reenroll the

¹ The Section 504 Plan meeting must comply with the requirements of 34 CFR Section 104.35.

Student at the School and commit to implement the Student's Section 504 Plan in school year 2020-2021. If the Student is reenrolled at the School, within five (5) days of the meeting the School will ensure that each of the Student's teachers, along with the Section 504 coordinator, health assistant, and any other staff members that will work with the Student, have a copy of the Student's Section 504 plan. The School will also provide those individuals with a memorandum requiring full implementation of all terms in the Student's Section 504 Plan.

REPORTING REQUIREMENT II(A): By July 1, 2020, the School will provide to OCR a draft letter from the School, addressed to the Complainant, inviting the Complainant to a Section 504 meeting to discuss compensatory services, offering the Complainant an invitation to reenroll the Student in the School for the 2020-2021 school year, and committing to fully implement the Student's Section 504 Plan. The School will promptly and fully address OCR's feedback if any, until the School receives OCR's final approval of the letter. The letter will specify:

1. An invitation for a meeting to determine compensatory services.
2. An invitation to reenroll at the School for the 2020-2021 school year.
3. The School's commitment to provide the Student with a timely FAPE should he reenroll in the School.
4. That if the Complainant responds to the invitation, the response must be in writing.
5. That the Complainant has thirty (30) calendar days to respond to the offer.
6. The name, title, phone number, mailing address, and email address for the person to whom the Complainant shall direct her response, if any.

REPORTING REQUIREMENT II(B): Within five (5) calendar days of receiving OCR's final approval of the letter, the School will provide OCR with documentation that indicates that it sent the approved letter to the Complainant. The letter may be sent via email or certified mail.

REPORTING REQUIREMENT II(C): Within five (5) days of receiving a response from the Complaint the School will provide OCR with a copy of the response. If the Complainant does not respond, the School will notify OCR of the non-response thirty-five (35) calendar days after sending the letter to the Complainant. If the Complainant does not respond or declines the invitation, the School will have satisfied Term II of the Agreement.

REPORTING REQUIREMENT II(D): Within ten (10) days of the Complainant's acceptance of the School's invitation to meet regarding compensatory services or the Complainant's acceptance of the School's invitation to reenroll the Student, the School will provide OCR with documentation that it has met or reenrolled the Student.

REPORTING REQUIREMENT II(E): Within thirty-five (35) days of the date of the meeting or reenrollment, the School will provide to OCR:

1. Documentation indicating that the School held a Section 504 Plan meeting for the Student.
2. Documentation regarding compensatory services.
3. A copy of the Student's Section 504 Plan.
4. Documentation indicating that School staff working with the Student received a copy of the Student's Section 504 plan.
5. A copy of the memorandum the School provided to staff working with the Student, requiring implementation of all terms in the Student's Section 504 Plan.
6. Documentation that the School provided the memorandum to staff working with the Student.

REPORTING REQUIREMENT II(F): If, at the meeting the Team determines that the Student is entitled to compensatory services or remedial measures, the Team will develop a written plan that includes:

1. the type(s) and amount(s) of compensatory services or remedial measures owed;
2. who will provide the compensatory services or remedial measures, including name(s), title(s) or position(s), and contact information;
3. where the compensatory services or remedial measures will be provided (*e.g.*, school, home, etc.); and
4. when the compensatory services or remedial measures will be provided, including a start date and schedule.

Within thirty (30) calendar days of the Student’s Team meeting, the School will submit to OCR:

1. A list of the individuals who attended the meeting, including each individual’s name and title or position.
2. Minutes or a summary of the Team’s discussion about compensatory services or remedial measures for the Student.
3. A copy of the written notice (including the plan for compensatory services or remedial measures, if one is created) to the Parent.

If the Student’s Team determines that compensatory services or remedial measures are not needed, the School will submit to OCR a written description of the justification(s) for this determination, along with documentation supporting this determination. The School will promptly and fully address OCR’s feedback, if any, until OCR notifies the School that no further reporting is required for Reporting Requirement II(F).²

The School 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. Sections 100.9-10), or judicial proceedings to enforce this Agreement, OCR will give the School written notice of the alleged breach and 60 calendar days to cure the alleged breach.

The School understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the School understands that, during the monitoring of this Agreement, if necessary, 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 this Agreement and are in compliance with Section 504, and its implementing regulation, at 34 C.F.R. Part 104, and Title II, and its implementing regulation, at 28 C.F.R. Part 35. Upon completion of the obligations under this Agreement, OCR will close the case.

This agreement will become effective upon the signature of the representative for the School.

/s/

June 5, 2020

Superintendent, Legacy Traditional Schools

Date

² Except in extraordinary circumstances, OCR does not typically substitute its judgment for the decisions made by an IEP team that is properly constituted and that takes appropriate actions in light of the requirements of due process.