

**RESOLUTION AGREEMENT**  
**27J Schools**  
**Case number 08-21-1246**

In order to resolve the open allegation in Case Number 08-21-1246, filed against 27J Schools (District) with the Office for Civil Rights (OCR) of the U.S. Department of Education (Department), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, 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. §§ 12131–65, and its implementing regulation at 28 C.F.R. part 35, the District agrees to implement the following Resolution Agreement (Agreement).

This Agreement shall not in any way be construed as an admission by the District that it has acted wrongfully or violated any laws or that OCR made any finding of wrongdoing or legal violation, and the District specifically disclaims any liability to or wrongful acts against the Student or any other person.

Term 1: Revise Online Academy Policies, Procedures, and Informational Documents

1. The District will revise its policies, procedures, and informational documents for its 27J Online Academy (Online Academy) to make clear that:
  - a. all students with disabilities receive individualized consideration when applying for admission to the Online Academy
  - b. if the Online Academy’s Special Education Service Providers determine that a student’s special education needs and services cannot be implemented by the Online Academy as written in a student’s Individualized Education Program (IEP) or 504 Plan, then the student’s IEP Team or 504 Team will convene to determine whether any changes/amendments can be made to the student’s IEP or 504 Plan that would allow the Online Academy to meet the student’s needs.

**REPORTING REQUIREMENT:**

Within sixty (60) calendar days of this Agreement being signed, the District will submit to OCR for approval draft revised policies, procedures, and informational documents.

Term 2: Training

2. Within sixty (60) calendar days of receiving OCR’s final approval of the Online Academy’s revised policies, procedures, and informational documents, the District will provide training to the Online Academy’s Principal, Special Education Providers, and any other relevant employees regarding the Online Academy’s revised policies, procedures, and informational documents. The District will ensure that:
  - a. The trainer(s) are qualified.
  - b. The training includes information about:
    - i. Section 504 and Title II’s prohibitions on disability discrimination;

- ii. Free appropriate public education (FAPE), including, but not necessarily limited to, the definition of the term and the District's duty to provide FAPE to all students with disabilities under Section 504 and Title II;
- iii. Evaluation and placement requirements pursuant to Section 504 and Title II, including, but not necessarily limited to, ensuring that evaluation and placement decisions involve:
  - 1. a group of persons knowledgeable about the student and the placement options;
  - 2. reflect the decision of the group and not of an individual person; and
  - 3. documenting and carefully considering information from a variety of sources.

### **REPORTING REQUIREMENTS:**

Within thirty (30) calendar days of receiving OCR's final approval of the District's revised Online Academy policies, procedures, and informational documents, the District will submit to OCR for approval draft training materials (e.g. power-points, handouts, agenda). The submission will also include the name(s), title(s) or position(s), and qualifications of one or more qualified individuals to provide the training .

Within thirty (30) calendar days of receiving OCR's final approval of the training materials and trainer(s), the District will provide the training and provide to OCR documentation to demonstrate:

- a. The date, time, and location of the training;
- b. Confirmation that the approved trainer delivered the training;
- c. Final agenda and materials from the training;
- d. The names and titles of all staff who attended the training; and
- e. The names and titles of all staff who were required to attend the training, but did not attend, and an explanation of when and how these individuals will receive the required training.

### **Term 3: Individual Remedy**

- 3. Within thirty (30) calendar days of this Agreement being signed, provided that the Complainants are interested, the District will convene an IEP team meeting, following the procedures set forth in the Section 504 regulation at 34 C.F.R. §§ 104.35 and 104.36, to determine whether any changes/amendments can be made to the Student's IEP that would allow the Online Academy to meet the Student's needs.

Provided that the Complainants are interested in convening an IEP team meeting, at least fifteen (15) calendar days before a meeting, the District will invite the Complainants, in writing, to:

- a. Attend the meeting;
- b. Invite other individuals who are knowledgeable about the Student to attend the meeting; and
- c. Share information and their perspectives at the meeting.

In the invitation, the District will, at a minimum, explain the purpose of the meeting and include an agenda. The District will document its invitations to the Complainants and any responses from the Complainants.

If the Complainants accept the District's offer to convene a meeting and also accept the District's offer to attend the meeting, then the District will ensure that the meeting occurs at a date, time, and location that are mutually agreed upon by the District and the Complainants.

The District will also ensure that any decisions made at the meeting reflect the judgment of the IEP Team, not the judgment of a single individual.

Within ten (10) calendar days after the meeting, the District will notify the Complainants, in writing, of the decisions made at the meeting and provide the Complainants with a copy of the revised IEP, if one is created, and applicable procedural safeguards.

#### **REPORTING REQUIREMENT:**

Within ten (10) business days of the conclusion of the IEP Team meeting, the District will send OCR documentation of the following:

- a. A copy of all communications between District staff and the Complainants related to the IEP Team meeting, including documentation demonstrating that the Complainants:
  - i. were invited to participate in the meeting and had the opportunity to invite others to attend the meeting and share information and their perspectives during the meeting;
  - ii. received a copy of the District's applicable procedural safeguards;
  - iii. were notified of the Team's decisions made at the meeting; and
  - iv. were provided a copy of the revised IEP, if applicable.
- b. A copy of the IEP meeting agenda and list of participants, with each participant's name and title/position
- c. A copy of minutes or notes from the IEP Team meeting.
- d. The name, title/position, employer and qualifications of the facilitator, if one is used;
- e. Copies of all documentation considered at the meeting, including all documentation provided to or by the Complainants,
- f. Copies of agreements and/or determinations made by the IEP Team. For each determination made by the IEP Team, the District will provide OCR all documentation necessary to support the determination and an explanation of the reasons for the determination and any objections to the determination;

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, OCR may visit the District, interview staff and students and request such additional reports or data as are necessary for OCR to determine whether the District 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. §104.35; and 28 C.F.R. § 35.130(a). Upon completion of the obligations under this Agreement, OCR shall close this case.

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

This Agreement will become effective immediately upon the signature of the District's representative below.

For 27J Schools:

<u>/s/</u>	<u>11/2/21</u>
Dr. Chris Fiedler	Date
Superintendent	