

**Voluntary Resolution Agreement
Leona Group/Discover U Elementary School
OCR Case No. 08-23-1668**

The United States Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint against the Leona Group and Discover U Elementary School (School), pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, and its implementing regulation at 28 C.F.R. Part 35.

Before OCR opened the complaint for investigation and requested data, the Leona Group indicated its willingness to take immediate steps to ensure compliance with Section 504 and Title II. Pursuant to Sections 203 and 302 of OCR's *Case Processing Manual*, a complaint may be resolved during the evaluation phase when a recipient expresses an interest in resolving the allegation and OCR determines that it is appropriate to rapidly resolve it because OCR has identified compliance concerns that can be addressed through a resolution agreement.

Accordingly, to resolve the compliance concern identified by OCR, the Leona Group voluntarily agrees to take the following actions. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the Leona Group or Discover U Elementary School.

Individual Remedies for the Student

1. The School will send correspondence to the Complainant by certified mail to the address on the Student's application that includes, at a minimum, the following: a) an invitation to the Complainant to enroll the Student at Discover U Elementary School; b) the process for enrollment at the School; and c) the School's commitment to meet to develop a Section 504 plan for the Student within 10 calendar days of receiving the Student's enrollment paperwork and prior to her matriculation at the School.

REPORTING REQUIREMENT 1: Within 10 calendar days of signing this Agreement, the Leona Group will submit to OCR a copy of the correspondence that was sent to the Complainant pursuant to Term 1 with documentation demonstrating that it was sent by certified mail and the date it was sent.

2. **Within 10 calendar days of receiving the Student's enrollment paperwork**, the School will convene a Section 504 meeting for the Student with a group of persons knowledgeable about the Student, the meaning of any evaluation or medical data, and the placement options.

REPORTING REQUIREMENT 2: Within 5 calendar days of convening the Section 504 meeting for the Student, the Leona Group will provide documentation to OCR indicating that the School complied with Term 2. If more than 60 calendar days has elapsed since the signing of this Agreement and the Student has not submitted enrollment paperwork to the School, the Leona Group

will inform OCR that the Student has not enrolled in the School, and the Leona Group will accordingly be deemed to have satisfied Term 2.

Audit

3. The School will conduct an audit of its files regarding all current and prospective students with disabilities who enrolled or sought enrollment in the School during the 2022-23 and 2023-24 school years to determine whether any other students with medical conditions were required to wait 45 days before the School would convene a Section 504 meeting for the student.

REPORTING REQUIREMENT 3: Within 60 calendar days of signing this Agreement, the Leona Group will submit to OCR a list of all current or prospective students identified by the School pursuant to Term 3 with the students' enrollment status (i.e., prospective, current, or former student).

4. The School will send correspondence to the parents/guardians of all prospective students identified pursuant to Term 3 that contains, at a minimum: a) an invitation to apply to Discover U Elementary School; b) the application and enrollment process; and c) the School's commitment to meet to develop a Section 504 plan for the student upon receiving the student's enrollment paperwork and prior to the student's matriculation at the School.

REPORTING REQUIREMENT 4: Within 90 calendar days of signing this Agreement, the Leona Group will submit to OCR a copy of the correspondence that was sent to the parents/guardians of prospective students identified pursuant to Term 3.

5. The School will send correspondence to the parents/guardians of all current students identified pursuant to Term 3 inviting them to attend a meeting to discuss what, if any, compensatory services or remedial measures should be provided to the student for the School's delay in convening a Section 504 meeting for the student and will convene meetings within 30 days of sending the correspondence for all students for whom the School receives a request.

REPORTING REQUIREMENT 5a: Within 90 calendar days of signing this Agreement, the Leona Group will submit to OCR a copy of the correspondence that was sent to the parents/guardians of current students identified pursuant to Term 3.

REPORTING REQUIREMENT 5b: Within 125 calendar days of signing this Agreement, the Leona Group will submit to OCR a copy of any requests the School received in response to the correspondence it sent pursuant to Term 5 and documentation demonstrating that the requested meetings were held within 30 days of sending the correspondence required by Term 5.

Guidance Memo

6. The Leona Group will draft for OCR's review and approval a memorandum to all School staff regarding the School's obligations under Section 504 and Title II to provide students with disabilities, including those with medical conditions, with a free appropriate public education (FAPE). The memorandum will discuss the School's child find obligations under state and federal law and make clear that those obligations cannot delay the provision of FAPE to students with medical conditions whose disability-related needs are known.

REPORTING REQUIREMENT 6: Within 60 calendar days of signing this Agreement, the Leona Group will provide a copy of the draft memorandum required by Term 6 to OCR for review and approval. The Leona Group agrees to fully and promptly respond to OCR's concerns, if any, until OCR notifies the Leona Group that the memorandum is approved.

7. The District will disseminate the memorandum required by Term 6 to all School staff in whatever manner the School typically communicates important information to staff.

REPORTING REQUIREMENT 7: Within 15 calendar days of OCR's approval of the memorandum required by Term 6, the Leona Group will provide OCR with documentation demonstrating the completion of Term 7, including the final memorandum that was sent, when the memorandum was disseminated, how it was disseminated, and to whom it was disseminated.

The Leona Group 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 Leona Group 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 Leona Group has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, which were at issue in this case.

The Leona Group understands that OCR will not close the monitoring of this Agreement and dismiss the case until OCR determines that the Leona Group has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II.

The Leona Group understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the Leona Group written notice of the alleged breach and a minimum of 60 calendar days to cure the alleged breach.

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

For Leona Group:

/s/

Mary Berg

10/24/23

Date