

Valley Oaks Charter School
Office for Civil Rights
09-14-1466
Resolution Agreement

In order to resolve the issues raised under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 and their implementing regulations in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), and without admitting or conceding any violation of Federal law with respect to the issues raised in the complaint, the Valley Oaks Charter School agrees to implement this agreement.

1. Individual Student:

- a. The School initially received notice on March XX, 2015 that the Student may have a disability. The Individualized Education Program (IEP) team will consider whether the Student needs compensatory education for the period of the delay to assess the Student from March XX, 2014 (receipt of Complainant's notice) to September X, 2014 (when the Student's actual assessment was convened prior to her initial IEP of September XX, 2014), which includes the period when the Student was dis-enrolled from the School for the first weeks of the 2014-15 school year.
- b. If the IEP team determines it is appropriate to revise the Student's IEP to include compensatory education to address any deficits the team determined were incurred during the period outlined above, the team will include its decisions and reasons for its decisions in the Student's revised IEP. Prior to implementation, the School will provide OCR its proposal of compensatory education. Upon the completion of OCR's review, the IEP team will provide the Complainant with a written determination of the compensatory education the School will provide. In addition, the IEP team will notify the Student's teachers thereafter, about her revised IEP and their responsibility for implementing it.
- c. If the IEP team determines that the Student does not need compensatory education, the team will document this decision in the Student's IEP plan; include the reasons for the team's determination; and provide the Student's parents and the Student written notice of the teams' determination and reasons, and their procedural safeguards.
- d. By September 25, 2015, the School will convene the IEP meeting as outlined in 1.a-c.
- e. Within 20 days of the IEP team meeting, the School will provide documentation to OCR regarding the status of its implementation of item 1.a-d, including its proposal if the IEP team determines that it will provide compensatory education. The documentation will include a report of its copies of the notes and other documentation of the IEP meeting held pursuant to item 1.a-d; and any proposed compensatory services the School plans to provide the Student.

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- f. If the School determines that compensatory education will be provided to the Student, within 10 days of the completion of OCR's review of the School's compensatory education proposal, the School will provide the Complainant and the Student with a written determination of the compensatory education the School will provide, and make revisions to the Student's IEP. The IEP team also will notify the Student's teachers about the revisions to the IEP and their responsibility for implementing it.
 - g. If the School determines that compensatory education will be provided to the Student, within 20 days of implementation of any compensatory education, the School will provide OCR with documentation of its implementation.
2. Training for Administrators and Appropriate Staff Regarding Section 504 Identification and Evaluation:

The Recipient will provide training to all administrative and instructional staff at Valley Oaks Charter School-Tehachapi concerning procedures governing the implementation of Section 504. This group of individuals will include, but not be limited to, any administrative, instructional and other personnel who serve as the School's 504 Coordinator(s), psychologist, general and special education teachers and staff, and program specialist(s). The training will include information about the following:

- a. The definition of a student with a disability under Section 504 at 34 C.F.R.104.3(j) and (i), and clarification that the decision whether a student is disabled under Section 504 should be made prior to determining what, if any, services a student needs to receive a free appropriate public education (FAPE) under Section 504;
- b. When a student needs, or is believed to need, special education or related services. This should include circumstances under which a student may be determined to be an individual with a disability under Section 504, including examples of when special education and related services under Section 504 may be appropriate, such as medical conditions impacting the student's academic performance;
- c. The full range of services that can be provided under Section 504, including special education and related aids and services, and examples of individual circumstances where special education and related services under Section 504 may be appropriate;
- d. Individual responsibilities for referring students for Section 504 eligibility determination meetings upon parent/guardian request, individual teacher referral, and referral from the Parent-Student Assistance Team (PSAT) or IEP process, for participating in Section 504 meetings, and for implementing Section 504 plans;
- e. A reasonable timeline from referral for the Section 504 Team to determine whether or not the student is disabled as defined under Section 504. This

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timeline should not exceed those established under the IDEA and may be extended but only under those circumstances which would be comparable under IDEA.

- f. Advise parents/guardians of their due process rights including when a PSAT, IEP or 504 team concludes that a child is not covered by one of these laws, does not need to be evaluated or when the parents/guardians disagree with the School placement decision.
- g. By November 13, 2015, the recipient will provide OCR with documentation which confirms the completion of the training.

3. General Provisions

The recipient 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 and Title II which were at issue in this case.

The recipient 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 recipient understands that during the monitoring of this agreement, if necessary, after consultation with the recipient, OCR may visit the recipient, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II.

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

_____/s/_____
School/Recipient Representative

06/19/2015
Date