

VOLUNTARY RESOLUTION AGREEMENT

Legacy Traditional School - Cadence (School) enters into this agreement to resolve the allegations in OCR Reference No. 10231062, a complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II).

I. RESOLUTION PROVISIONS

A. Policies and Procedures

1. The School will review and revise, if necessary, its current policies and procedures (revised procedures) to ensure that all regular and special education and related aids and services are provided to qualified students in accordance with Section 504 and Title II, and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35. The revised procedures must specifically ensure that:
 - a. the School will provide all regular and special education and related aids and services to each student with a disability necessary to provide a student with a free appropriate public education (FAPE);
 - b. the School will implement all provisions contained in each student's Section 504 plan, individual education program (IEP), or other education or behavioral plan for students with disabilities, unless a placement decision consistent with the procedural requirements of Section 504 is made and that particular aid or service is no longer necessary or appropriate; and
 - c. the School will promptly and effectively notify relevant School administrators and staff of a student's Section 504 plan, IEP, or other education plan so that all regular and special education and related aids and services identified in the plans can be implemented in a timely manner.

- d. the School, when in receipt of information indicating a student's need for additional special education and related aids and services, will evaluate the student in a timely manner and make a determination as to what additional aids and services are needed, if any. If it is determined that no re-evaluation or modification is needed, the school will provide notification of such decision to the parent or guardian (or to the student if the student is 18 or over, unless another person retains guardianship over the student).

2. Reporting Provisions:

- a. Within 60 days of the signing of the agreement, the School will submit to OCR, for its review and approval, a draft of its revised or most recent procedures. If OCR requires any changes to the procedures, the School will re-submit the revised procedures within 30 calendar days of receiving notice of the required revisions from OCR. The School and OCR will continue this process until OCR approves the revised procedures.
- b. Within 60 calendar days of receiving OCR's written approval of the procedures, the School will provide to OCR documentation demonstrating that it has: (1) adopted the revised policies and procedures; and (2) published the revised procedures in School publications and on the School website. Inserts may be used pending reprinting of publications.

B. Staff Training

1. The School will provide training to all administrators, teaching staff, counselors, school psychologists, and other staff involved in developing or implementing Section 504 plans or IEPs at Legacy Traditional School - Cadence on their obligation to provide regular and special education and related aids and services to qualified students in accordance with Section 504 and Title II, and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, specifically including the policies and procedures listed above in section I.A.1.a-d. The training will be conducted by

someone who is qualified and has expertise in Section 504 and Title II.

2. Reporting Provisions:

- i. Within 30 days of receiving OCR's approval of the policies and procedures pursuant to section I.A.2.a., the School will submit to OCR, for its review and approval, a draft of its training lesson plan, including handouts, if any, and the name and qualifications of the trainer. If OCR requires any changes to the lesson plan, the School will re-submit the revised lesson plan within 30 calendar days of receiving notice of the required revisions from OCR. The School and OCR will continue this process until OCR approves the training lesson plan.
- ii. Within 120 days of receiving OCR's approval of the training lesson plan, the School will provide OCR with a report demonstrating that it conducted the training described in B. 1., above. The report will include the time(s) and date(s) of the training and a list, by name and job position, of persons who attended the training. If any necessary staff were unable to take the training, the report will include the plan to provide a make-up training for those staff.

C. Student Specific Remedies

1. Placement

- i. Within 30 days of the signing of this agreement, the School shall schedule a meeting/meetings of the IEP team for the student who is the subject of this complaint (the student) and make a placement determination as to the special education and related services necessary to ensure that the student receives a FAPE. The placement determination will include consideration of any related aids and services requested by the parent.

2. Compensatory Education

- i. Within 30 days of the signing of this agreement, the student's IEP team will determine whether the delay in evaluating and making the determination regarding any additional services for the student, as well as the delay in receiving paraprofessional support at the beginning of the school year, resulted in a denial of a FAPE for the student during the period of the delay.
- ii. If the IEP team determines that the student was denied a FAPE, the IEP team will make a plan to provide compensatory education to the student to adequately compensate the student for the denial of FAPE during the 2022 – 2023 school year. The plan will include the time frame to provide the compensatory education.
- iii. The School will offer to the student's parents the compensatory education, and allow the parents no less than 20 days to accept the offer. If the parents refuse the offer for compensatory education, the School will have no obligation provide the compensatory education.
- iv. If the parents accept the offer, the School will provide the compensatory education to the student consistent with the plan.

3. Reporting Provisions:

- i. Within 30 days following the meeting described above in section C.1.i., the School will submit to OCR a report establishing that the School convened a meeting/meetings of the student's IEP team and include the compensatory education plan, as required by C. 2. The report will include notes from the meeting that describe the information discussed at the meeting, the decisions the IEP team made regarding its placement decisions, and the decision regarding any requested related aids or services from the parents. The report will also include a description of the steps the IEP team took to develop the

compensatory education plan, if any. If the IEP team determines that compensatory education is not required, the report will contain the information supporting that decision. If OCR requires changes or additions to the report, the School will re-submit the report within 30 calendar days of receiving notice of the required changes. The School and OCR will continue this process until OCR approves the report.

- ii. Within 30 days of receiving OCR's approval of the report, the School will submit a report to OCR demonstrating that: 1) the School offered the compensatory education contained in the report, if any, to the parents of the student; and 2) the School provided the parents no less than 20 days to respond to the offer. The report will also contain the parent's response, if any. If the parent did not accept the offer of compensatory education, or if the parent did not respond to the offer within the designated time frame, the School will not be responsible to provide the compensatory education contained in the approved report.
- iii. If the parents accept the offer for compensatory education, the School will provide documentation to OCR within 20 days of completing the compensatory education pursuant to the time frame in the compensatory education plan. The report will establish that the School delivered the compensatory education to the student consistent with the plan.

II. GENERAL MONITORING PRINCIPLES

- A. By signing the resolution agreement, the School agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. During the monitoring of the resolution 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 the resolution agreement.

- B. The School understands that OCR will not close the monitoring of the agreement until such time as OCR determines that the School is in compliance with the terms of the agreement and the statute(s) and regulation(s) at issue in the case.
- C. The School understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings in the event of breach. Before initiating such proceedings, OCR will give the School written notice of the alleged breach and 60 calendar days to cure the alleged breach.

This agreement will become effective immediately upon the signature of the School's representative.

Signed:

/s/

April 12, 2023

Jennifer Emling
Superintendent
Legacy Traditional Schools – Nevada

Date