

**Voluntary Resolution Agreement**  
**Pinnacle Classical Academy**  
**OCR Complaint No. 11-14-1084**

Pinnacle Classical Academy (the School) agrees to fully implement this voluntary resolution agreement (Agreement) to resolve the allegation in Office for Civil Rights (OCR) Complaint No. 11-14-1084.

1. By August 11, 2014, the School will provide training for all School personnel, including the Exceptional Children/Section 504 Coordinator and any School personnel responsible for implementing students' Section 504 plans, at a minimum, of the following:
  - A. The School's process for ensuring that students with individualized educational plans are provided the related aids and/or services that they are eligible to receive and the role of relevant School personnel in that process, including how to obtain information about implementing each related aid and/or service and any changes to these related aids and/or services during the school year.
  - B. The obligation to fully implement the related aids and/or services provided in a Section 504 Plan, including updates or changes to related aids and/or services made during the school year. The training will explain that unless explicitly stated to the contrary, a related aid or service provided in an Section 504 Plan is not optional and a student should not be given the opportunity to choose whether or not to utilize the related aid or service.
  - C. The process School personnel are to follow when a student is not using or refuses to use a related aid or service contained in a Section 504 Plan. At a minimum, in such situations, designated School personnel will promptly inform the student's parent/guardian of the student's non-use of a particular related aid or service contained in a Section 504 Plan and determine the appropriate steps to address the immediate situation. School personnel and the parent/guardian will also determine the appropriateness of scheduling a 504/IEP meeting with the student, parent/guardian, and School staff to discuss future implementation of the individualized plan, including alternative related aids or services if appropriate.

**REPORTING REQUIREMENT:** At least 15 calendar days in advance of the scheduled training, the School will provide for OCR's review and approval a copy of the proposed training materials, including the name(s) and title(s) of the trainer(s) and any handouts or presentations developed.

**REPORTING REQUIREMENT:** Within 10 business days of the completion of the approved training programs, the School will submit to OCR the name(s) and title(s) of the trainer(s), the date of the training, the material used or disseminated, and the sign-in sheets indicating the names and titles of participants.

2. By August 13, 2014, the School will contact the Complainant, in writing and offer to conduct a meeting in accordance with 34 C.F.R. § 104.35(c) in order to determine if the Student is eligible to receive compensatory educational and/or remedial services.

**REPORTING REQUIREMENT:** By July 21, 2014, the School will submit for OCR's review and approval a copy of the letter sent to the Complainant.

**REPORTING REQUIREMENT:** By August 28, 2014, the School will notify OCR of the Complainant's response to the School's offer to convene a meeting to determine if the Student is eligible to receive compensatory educational services.

3. If the Complainant accepts the School's offer, by August 28, 2014 the School will convene a group of persons knowledgeable about the Student, including the Complainant, to determine whether the Student requires compensatory and/or remedial services for the time period when the Student was enrolled at the School. The group will develop a plan for providing compensatory and/or remedial services, if any, with a completion date not to extend beyond September 29, 2014. The plan will identify the nature and amount of the services to be provided at no cost to the Student's parents, by whom, and when. The School will provide the Complainant with a meaningful opportunity to provide input into these determinations.

**REPORTING REQUIREMENT:** By September 4, 2014, the School will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referenced in Action Item 3 above; including an explanation for decisions made, and a description of and schedule for providing any compensatory and/or remedial services to the Student. OCR will review and approve the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

**REPORTING REQUIREMENT:** By September 6, 2014, the School will provide the Complainant with written notice of the outcome of the meeting, including a description of any educational loss, and, if applicable, provide the Complainant with a written offer regarding the School's provision of the compensatory educational services to the Student (including a description of how the services will be provided and a proposed timetable).

**REPORTING REQUIREMENT:** If the Complainant accepts an offer by the School to provide compensatory educational services, the School will begin providing the services to the Student within fifteen (15) calendar days from the date of its receipt of the Complainant's acceptance of the School's offer, or at a later date, if agreed upon by the Complainant. The compensatory education program shall be delivered in a manner so as not to hinder the delivery of any services that are required by the Student's current educational program. Approximate date: September 12, 2014 if acceptance in August 28<sup>th</sup> meeting.

**REPORTING REQUIREMENT:** By \_\_\_October 6, 2014\_\_\_, the School will provide documentation to OCR of the dates, times, and locations that any compensatory and/or remedial services were provided, and the name(s) of the service provider(s).

4. For each student with a disability served under an individualized plan (Section 504 Plan/Individualized Education Program (IEP)) during the 2013-2014 school year, by \_\_\_August 8, 2014\_\_\_, the School will convene a meeting in accordance with 34 C.F.R. § 104.35(c) to determine whether each student is eligible to receive compensatory and/or remedial services due to any failure to fully implement that student's plan. Within 15 days of its determinations, if the team determines that there has been an educational deficiency, it will offer the students' parents/guardians compensatory educational and/or remedial services for the students. The School will provide the students' parents/guardians with a meaningful opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

**REPORTING REQUIREMENT:** By \_\_\_August 13, 2014\_\_\_, the School will submit for OCR's review and approval an explanation of its determination of whether each student is eligible to receive compensatory educational services. This explanation shall include copies of all meeting notes where this issue was addressed; the names and titles of all meeting participants; the information that the School considered in making this determination; the rationale for the determination; and, if applicable, any proposed compensatory educational services designed to address any educational deficiencies and a timetable for their delivery.

**REPORTING REQUIREMENT:** If applicable, 15 days after OCR's review and approval of any proposed compensatory educational services, the School will offer approved compensatory educational services to the parents/guardians of each student. By August 28, 2014, the School will submit to OCR a copy of its offer to the parents/guardians, and any responses to the offer. If the parents accept any offer for compensatory educational services, the School will provide OCR with documentation of its provision of services to the students or any attempts made to deliver such services within 10 days of the completion of the services as specified in the timetable.

The School understands that OCR will not close the monitoring of this Agreement until OCR determines that the School has fulfilled the terms of this Agreement and is in compliance with the regulation implementing the provisions Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35, which were at issue in this case. The School 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 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 is in compliance with the regulation implementing the provisions of Section 504, at 34 C.F.R. Part 104 and Title II, at 28

C.F.R. Part 35, which were at issue in this case.

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. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the School written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

\_\_\_\_\_/s/\_\_\_\_\_  
Headmistress  
Pinnacle Charter Academy

\_\_\_\_\_/6/18/2014\_\_\_\_\_  
Date