

**Resolution Agreement  
Legacy Charter Academy  
OCR Docket No. 15-16-1199**

Legacy Charter Academy (the Academy) submits the following Resolution Agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR complaint #15-16-1199 and to ensure the Academy's compliance with Section 504 of the Rehabilitation Act of 1973, 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, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. This Agreement is not, and should not be construed as, an admission of wrongdoing or violation by the Academy. The Academy agrees to take the following actions.

**Individual Remedies**

1. By December 16, 2016, the Academy will send a letter to the Student's parent advising her that the Student may apply for reenrollment in the Academy during the 2016-2017 school year.
2. By December 16, 2016, the Academy will convene a meeting of a group of persons knowledgeable about the Student, the Student's evaluation data, and the placement options, including the Student's parent, to take the following actions:
  - a. Determine what compensatory education or other remedial services the Student requires as a result of the Student not receiving appropriate regular and/or special education or related services during the 2015-2016 school year, and will specifically address any delay in evaluating the Student for a Section 504 plan and implementing a placement and services for the Student and any failure to provide the required bumpy seat to the Student once his Section 504 plan took effect.
  - b. Draft a written plan for timely providing the Student with the compensatory education and/or other remedial services deemed necessary pursuant to Action Step 2.a, above, with a completion date not to extend beyond June 15, 2017. The plan will identify the nature and amount of services to be provided at no cost to the Student's parent, by whom they will be provided, and when they will be provided.

The Academy will invite the Student's parent to participate in the Team meeting described above, and in the event that the Student's parent is unable to attend, the Academy will provide the Student's parent with a meaningful opportunity to provide input.

**Reporting Requirements:**

- A. By January 6, 2017, the Academy will provide to OCR documentation of implementation of Action Step 1 above, including a copy of the letter sent to the parent.
- B. By January 6, 2017, the Academy will provide to OCR documentation of the implementation of Action Step 2 above, including documentation supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, documentation of any input provided by the Student's parent, and a description of and schedule for providing any compensatory and/or remedial services to the Student. OCR will review the documentation to ensure that the Academy met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. § 104.34, 104.35, and 104.36. By June 15, 2017, the Academy will provide OCR with documentation of the dates, times, and locations that any compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).
3. By December 16, 2016, an Academy administrator will conduct a review of all of the Student's disciplinary records for the 2015-2016 school year to determine whether any referrals and/or sanctions were inappropriate. The review will include consideration of whether the Student was referred or disciplined for conduct based on his disability or resulting from a failure to timely or fully provide him with placement and services as a student with a disability; whether each referral and any sanction was consistent with the Academy's written policies and procedures; and whether any referral or sanction was made for retaliatory motive. The Academy will adjust or expunge the Student's disciplinary records, as appropriate, and will issue written notice to the Student's parent by December 16, 2016, of the results of the review and any records expunged.

**Reporting Requirement:** By January 6, 2017, the Academy will submit documentation verifying its implementation of Action Step 3 to OCR, including a copy of the written notice issued to the Student's parent.

**Academy-wide Remedies**

4. By December 16, 2016, the Academy will submit for OCR's approval a proposed plan for training Academy staff on Section 504, to implement Action Step 5 below, along with the name and qualifications of the proposed trainer. The Academy will refrain from conducting the training required by Action Step 5 until OCR approves the training plan and the qualifications of the trainer.
5. After OCR's approval of the training plan pursuant to Action Step 4 and by no later than January 31, 2017, the Academy will provide Section 504 training, by a

competent authority on Section 504, to Academy staff and administrators with roles in Section 504 evaluations and placement and Individuals with Disabilities Education Act (IDEA) evaluations. The training will address, at a minimum, the requirements of the Section 504 regulation at 34 C.F.R., Part 104, Subpart D, and of the Academy's Section 504 procedures for the identification, evaluation, and placement of students with disabilities and the provision of procedural safeguards. The training will also address Section 504's prohibition on retaliation against individuals who seek to assert their rights under Section 504 at 34 C.F.R. § 104.61 (incorporating 34 C.F.R. § 100.7(e) by reference).

**Reporting Requirements:** By December 16, 2016, the Academy will submit for OCR's approval the proposed training information and materials and the name and qualifications of the proposed trainer. After OCR's approval of the Academy's training plan pursuant to Action Step 4 and by no later than January 31, 2017, the Academy will provide to OCR documentation of the implementation of Action Step 5 above, including the date(s) of the training, a copy of the training materials used, and a sign-in sheet showing the names and titles of all persons who attended the trainings.

### **General Requirements**

The Academy understands that OCR will not close the monitoring of this Agreement until OCR determines that the Academy has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.33, 104.35, and 104.61, and Title II and its implementing regulation at 28 C.F.R. § 35.134, which were at issue in this complaint.

The Academy understands that, by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the Academy understands that during the monitoring of this Agreement OCR may visit the Academy, interview staff, and request such additional reports or data as are necessary for OCR to determine whether the Academy has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.33, 104.35, and 104.61, and Title II and its implementing regulation at 28 C.F.R. § 35.134.

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

/s/

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Superintendent or Designee

11-3-16

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Date