

## **RESOLUTION AGREEMENT**

### **Middletown Preparatory and Fitness Academy OCR No. 15-16-1529**

Middletown Preparatory and Fitness Academy (the Academy) agrees to resolve the allegation of discrimination in the above referenced complaint, filed with the U.S. Department of Education, Office for Civil Rights (OCR). The Academy submits this Resolution Agreement (Agreement) to ensure compliance with the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, 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. §12132, and its implementing regulation at 28 C.F.R. Part 35. By entering into this Agreement, the Academy does not admit to any violation of law and nothing within this Agreement shall be construed as a waiver of or limitation on any rights the Academy may have. The Academy agrees to implement the actions set forth below:

### **INDIVIDUAL ACTIONS**

1. Within 7 calendar days of signing this agreement, the Academy will draft and send a letter to the Student's parent(s) inviting the Student to re-enroll at the Academy, and explaining that within 30 calendar days of the Student's first day of attendance, after providing proper written notice to the Student's parent(s), the Academy will convene a group consisting of individuals knowledgeable about the Student—including the Student's parent(s)—to:
  - a. evaluate the Student to determine if he is a student with a disability and if he requires an educational plan, including related aids and services; and
  - b. if the group determines the Student is a student with a disability and requires an educational plan, the group will develop a plan in accordance with the provisions of Section 504. Such plan will, at a minimum: identify the individual needs of the Student and the necessary related aids and services he requires that will be designed to meet his individual needs. The plan will state that it will be implemented by the Academy and identify, by position, the staff who will be responsible for providing the related aids and services set forth in the plan.

### **REPORTING REQUIREMENTS**

- A. By April 16, 2018, the Academy will provide OCR with a copy of the letter inviting the Student's parent(s) to re-enroll the Student in the Academy as discussed in action step 1, and evidence showing the method of delivery to the Student's parent(s).
- B. By the final school day of the 2017-2018 school year the Academy will provide OCR with documentation indicating whether the Student enrolled in the Academy and, if so, documentation demonstrating the Academy's completion of the steps described in the Action Step 1 (a) and (b). Such documentation shall include a copy of the notice given to the Student's parent(s), date of the meeting(s), a list naming the attendees of the meeting(s), any notes taken during the meeting(s), and a copy of any plan developed as a

result of the meeting(s). If the team determined that a plan was not necessary, the Academy shall provide a written statement that addresses the reason for the team's decision.

### **ACADEMY-WIDE ACTIONS**

2. The Academy will provide training by a competent authority on Section 504 on the Academy's obligations to students with disabilities under Section 504, to the Academy's Section 504 coordinator; all Academy administrators; and any other staff (paraprofessionals, guidance counselors, social workers, etc.) who may have a role in the identification, evaluation, and placement of students who have, or are suspected of having, a disability under Section 504, or who have a role in the implementation of Section 504 plans and/or Individualized Education Programs (IEP). The training can be administered in person by a live presenter, but need not be. The training must address:
  - a. the duty of the Academy to establish standards and procedures for the identification, evaluation, and placement of students who, because of a disability, need or are believed to need special education or related services;
  - b. the duty of the Academy to conduct an evaluation in accordance with the requirements of Section 504, of students who, because of a disability need or are believed to need special education or related services, before taking any action with respect to the initial placement of the student in regular or special education and any subsequent significant change in placement;
  - c. the Academy's responsibility to consider a student's potential disability related need for special education services when developing a Section 504 plan, regardless of whether the student's disability qualifies for services under the Individuals with Disabilities Education Act (IDEA);
  - d. the duty of each Academy employee to implement the requirements of a student's Section 504 plan or IEP with fidelity; and
  - e. resources for Academy staff if they have questions about Section 504, including resources within the Academy as well as OCR's technical assistance available by contacting the OCR Cleveland office at 216-522-4970.
3. Prior to the start of the 2018-2019 school year, the Academy will conduct the approved training.

### **REPORTING REQUIREMENTS**

- A. By September 30, 2018, the Academy will submit information to OCR documenting implementation of action step 2: the date(s) of the training(s); a copy of the training agenda; copies of training materials used; the name of the person(s) who facilitated the

trainings; sign-in sheets or acknowledgements showing the names and job titles of all persons who received the training; and an organizational directory.

**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 Title II and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this complaint.

The Academy understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the recipient understands that during the monitoring of the Agreement, if necessary, 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 Academy has fulfilled the terms of the Agreement.

Upon the Academy's satisfaction of the commitments made under the Agreement, OCR will close the case.

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

\_\_\_\_\_/s/\_\_\_\_\_  
Superintendent or Designee  
Middletown Preparatory and Fitness Academy

\_\_\_\_\_/4/10/2018\_\_\_\_\_  
Date