

RESOLUTION AGREEMENT
Columbus Humanities Arts and Technology Academy
OCR Docket #15-17-1072

Columbus Humanities Arts and Technology Academy (the Academy) submits this Resolution Agreement (the Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint and to ensure 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 (Section 504), and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35 (Title II). The Academy agrees to take the following actions:

Action Steps

I. Section 504 Training

- A. Within 30 calendar days of signing this Agreement, the Academy will submit for OCR's review and approval a copy of its proposed training materials to implement Action Step I.B of this Agreement, and the name(s), title(s), and qualifications of the proposed trainer(s).

REPORTING REQUIREMENT: Within 30 calendar days of signing this Agreement, the Academy will submit for OCR's review and approval a copy of its proposed training materials (e.g., training agenda, presentation materials, handouts, pamphlets, etc.) to implement Action Step I.B., and the names(s), title(s) and qualifications of the proposed trainer(s).

- B. Within 10 calendar days of OCR's approval of the training submitted pursuant to Action Step I.A., or by August 8, 2017, whichever occurs later, 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 Intervention Services Director/ Section 504 coordinator and all District administrators. The training will include, but is not limited to the following topics: evaluation and placement (34 C.F.R. § 104.35), procedural safeguards (34 C.F.R. § 104.36), and the Academy's responsibility under Section 504 toward a student with a Section 504 plan who transfers from another school district.

REPORTING REQUIREMENT: By September 30, 2017, the Academy will submit to OCR documentation to demonstrate its implementation of Action Step I.B., including: the date(s) of the training(s); a copy of the training agenda; copies of training materials used; the name, title and qualification of the person(s) who provided the training(s); and sign-in sheet(s) showing the names and job titles of all persons attended the training.

II. Individual Remedies

- A. Within 5 calendar days of signing this Agreement, the Academy will send the parent of the student identified in OCR Docket #15-17-1072 (the Student) a certified letter notifying the parent that, should she wish to re-enroll the Student in the Academy for the start of the 2017-2018 school year, the Academy will, within 30 calendar days of the Student's re-enrollment, reconvene the Student's Section 504 team (the Team), consisting of persons knowledgeable about the Student, including the Student's parent, to:
1. Develop and, amend or revise, as necessary, the Student's Section 504 plan to ensure that the Student receives a free appropriate public education (FAPE), *i.e.*, the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of the Student as adequately as the needs of persons without disability are met.
 2. Determine whether any compensatory education or other remedial services for the Student are necessary from XXXXXX XXXX through XXXXXXXX XXXXX, when the complaint states that the Academy failed to implement the Student's Section 504 plan.
- B. If the Student's parent re-enrolls the Student as described in Action Step II.A. above, within 30 calendar days of the Student's re-enrollment, the Academy will convene a Section 504 meeting to:
1. Develop and, amend or revise, as necessary, the Student's Section 504 plan to ensure that the Student receives a FAPE. The Academy will also provide the Student's parent with notice of the procedural safeguards afforded her under the Section 504 implementing regulation at 34 C.F.R. § 104.36. In the interim, the Academy will either implement the Student's current Section 504 plan created by his prior school district, or meet with the Student's parent to determine what accommodations will be provided during the Student's initial 30 days upon re-enrollment.
 2. Determine any compensatory education and/or remedial services the Student requires from XXXXXX XXXX through XXXXXXXX XXXXX, when the complaint states that the Academy failed to implement the Student's Section 504 plan. The Team will develop a written plan for providing the Student with the compensatory education and/or other remedial services, if deemed necessary. Any such plan will identify the nature and amount of the services to be provided at no cost to the Student's parent, by whom, and when, and will become part of the Student's Section 504 plan. The Academy will provide the Student's parent with a meaningful opportunity to provide input into these determinations.
- C. Within 3 calendar days of the Section 504 meeting, the Academy will provide the Student's parent with a copy of the Section 504 plan, and a copy of the written plan for providing the Student with the compensatory education and/or other remedial services,

and/or written notification of the Team’s decisions regarding Action Step II.B.2. above. The Academy will also provide the Student’s parent with a notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including her right to challenge such determinations regarding the evaluation or educational placement of the Student through an impartial due process hearing should she disagree. The notice will indicate that the Student’s parent has 20 calendar days from the date of receipt to inform the Academy of her acceptance of the Student’s Section 504 plan and/or the Academy’s offer of compensatory education and/or other remedial services, if any.

- D. Within 90 calendar days of the Team meeting identified in Action Step II.B., the Academy will provide any compensatory education and/or other remedial services deemed necessary, pursuant to Action Step II.B.2.

REPORTING REQUIREMENTS: If the Student’s parent re-enrolls the Student pursuant to Action Step II.A., by September 30, 2017, the Academy will submit to OCR documentation to demonstrate its implementation of Action Steps II.A. through II.C. above. The Academy will submit to OCR a copy of the letter sent to the Student’s parent and documents supporting the Team’s decisions. The documentation submitted shall include a copy of the Section 504 plan, communication with the parent, documentation showing the participants in the above meetings, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) 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, in making these determinations.

By December 31, 2017, the Academy will provide documentation to OCR of the dates, times and locations that compensatory and/or other remedial services were provided, a description of what was provided, and the name(s) of the service provider(s). If the Student’s parent did not accept the Academy’s offer of compensatory education or remedial services, if any, pursuant to Action Step II.D. above, the Academy will indicate so in its report to OCR and provide OCR with any documentation the Academy might have to demonstrate the parent’s lack of acceptance.

Alternatively, if the Student's parent does not re-enroll the Student in the Academy sent pursuant to Item II.A. above, the Academy will provide OCR with a statement to that effect and provide a copy of the certified letter by September 30, 2017. In such event, no further action in connection with Action Steps II.B. through II.D. will be required.¹

General Requirements

The Academy understands that, by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the Academy understands that during the monitoring of this Agreement, if necessary, OCR may visit the Academy, interview staff and students, and request such additional reports or

¹ OCR notes that if the Student re-enrolls in the Academy at any subsequent time, the Academy is required to provide the services necessary to meet the individual needs of the Student in order to ensure a FAPE and may need to re-evaluate the Student.

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. Upon completion of the obligations under this Agreement, OCR shall close this case.

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.

This Agreement will become effective immediately upon the signature of the Academy's representative below.

/s/

7/20/17

Columbus Humanities Arts and Technologies Academy
Authorized Representative

Date