

**Laurus Academy
Resolution Agreement
OCR Docket #15-18-2076**

Laurus Academy (the Academy) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and ensuring compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 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 (Title II), 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, a finding or admission of any wrongdoing or violation by the Academy nor its vendor National Heritage Academies.

The Academy agrees to take the following actions:

1. By **November 1, 2021**, the Academy will provide training by a competent authority on Section 504 and Title II on the Academy's obligations to students with disabilities under Section 504 and Title II. The Academy will provide this training to, at a minimum, the Academy's Section 504 coordinator, dean of special education and intervention, and any staff at the Academy with responsibility for evaluating and determining the placement of students under Section 504. Upon request from the Academy, OCR may be able to provide the training.
 - a. The training will include, at a minimum, the following information:
 - (i) the Academy's obligation to timely evaluate a student who, because of disability, needs or is believed to need special education or related services before taking any action with respect to the student's initial placement or any subsequent significant change in placement under 34 C.F.R. § 104.35(a);
 - (ii) the procedures for evaluation, placement, and reevaluation required by 34 C.F.R. § 104.35(b), (c), and (d);
 - (iii) the Section 504 definition of disability, as amended by the Americans with Disabilities Act Amendments Act; and
 - (iv) the provision of procedural safeguards required by 34 C.F.R. § 104.36.
 - b. In addition to the overarching Section 504 concepts listed above in Item 1(a), the training will specifically explain that:
 - (i) the Academy may not under Section 504 deny or delay an evaluation of a student if it has reason to suspect the student has a disability and needs or is believed to need special education or related services, including in order to first implement an intervention that is unrelated to the evaluation or to determining the need for special education or related aids and services;

- (ii) a student may have a disability and be eligible for Section 504 services even if that disability does not impact the major life activity of learning;
- (iii) the Academy must evaluate the existence of a disability by considering whether the student is substantially limited in his or her unmitigated state, i.e., without consideration of the ameliorative effects of any mitigating measures such as intervention strategies, but could consider such measures in determining the individual educational needs;
- (iv) informed parental consent is required for an initial evaluation, and the Academy's options and obligations if a parent refuses to consent to an initial evaluation;
- (v) if the Academy denies a parental request for a disability evaluation it must provide the parent with notice of that determination and of procedural safeguards under Section 504; and
- (vi) if the Academy determines, based on the facts and circumstances of the individual case, that a medical assessment is necessary to conduct a Section 504 individual evaluation in order to determine whether a child has a disability under Section 504 and needs special education or related services because of a disability, the Academy must ensure that the student receives this assessment at no cost to the student's parents.

Reporting Requirements: If the Academy does not request that OCR conduct the training referenced in Item 1 above, or OCR is unable to conduct the training, the Academy will provide OCR with draft training materials in accordance with Item 1 for review, including title and qualifications of the presenter(s), by **October 15, 2021**.

By **November 1, 2021**, the Academy will provide OCR with documentation showing that Item 1 has been implemented. Specifically, the Academy will submit to OCR:

- a sign-in sheet showing the names and titles of administrators and staff who received the training;
 - a roster of all of the Academy's administrators and staff, including name and job title, so that OCR can cross-reference the sign-in sheet with the roster; and
 - if OCR did not conduct the training, a copy of all training materials used at the training, such as PowerPoint presentations or other handouts.
2. The Academy will issue a memorandum to all Academy staff with responsibilities related to working directly with students, as well as all Academy administrators, reminding them of the District's Section 504 obligations as outlined in Item 1 above.

Reporting Requirement: By **October 15, 2021**, the Academy will provide OCR with a draft memorandum in accordance with Item 1 for review. Thereafter, within thirty (30) calendar days of written notification from OCR that the memorandum meets the above Section 504 and Title II requirements, the Academy will provide OCR with documentation showing that Item 1 has been implemented, including a copy of the issued memorandum, and the names and titles of the recipients.

General Requirements

The Academy 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 the 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 data as are necessary for OCR to determine whether the Academy has fulfilled the terms and obligations of the Agreement. Upon the Academy’s satisfaction of the terms and obligations of the Agreement, OCR will close the case.

The Academy understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the Academy written notice of the alleged breach and 60 calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the Academy’s representative below.

/s/

09/30/2021

Special Education Supervisor

Date