

[redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content].

[redacted paragraph]

Action Step II

- a. [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content], the Academy will convene a group of individuals knowledgeable about the Student (Team), including the parent(s), to review the Student’s evaluation data, any plans developed for the Student including any IEP, behavior plan, etc., and placement options. The team will:
- determine what regular or special education and related aids and services the Student may need to receive a free and appropriate public education (FAPE);
 - develop a plan (e.g., an IEP, 504 plan, behavior plan), which clearly explains how, when, where, and by whom those supports, services and/or program modifications will be provided;
 - determine what compensatory education or other remedial services the Student requires [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content], [redacted content] [redacted content], [redacted content] [redacted content] [redacted content] [redacted content];
 - within seven (7) school days of making its determination, develop a written plan for providing the Student with the compensatory education or other remedial services deemed necessary, which 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; **and** will become part of the Student’s IEP and or Section 504 plan;
 - provide the Student’s parents 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.

Action Step II - Reporting Requirement:

- a. By **November 15, 2023**, the Academy will submit to OCR:
- a copy of any meeting minutes or notes, and a copy of any supporting documentation that the Academy relied upon in making its determinations;
 - a copy of any plan(s) developed for the Student to provide FAPE;

- documentation of the compensatory education and/or other remedial services determined for the Student. If the Academy’s evaluation team determined that no compensatory education and/or other remedial services were necessary, the Academy will provide a written explanation of the reasons for that determination, along with any supporting documentation.
- documentation of any input the Student’s parent(s) provided when the Team convened;
- documentation showing the Academy provided the Student’s parent(s) with notice of any determinations the Team made;
- documentation showing that the Academy provided procedural safeguards to the Student’s parent(s), and
- documentation related to any challenge the Student’s parents made to the determinations made.

OCR will review the documentation submitted 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.

- b. By **December 31, 2023**, the Academy will provide OCR with documentation of:
- the dates, times, and locations that any compensatory education and/or other remedial services were provided to the Student;
 - the amount of compensatory education/remedial services provided at each date and time; and
 - the name(s) and title(s) of the instruction/service provider(s).

Action Step III

- a. [redacted paragraph]
- b. Within five (5) days of determining the compensatory education and/or remedial services the Student requires, the Team will develop a written plan for providing the Student with the compensatory education or other remedial services deemed necessary, which plan will identify the nature and amount of the services to be provided at no cost to the Student’s parents, by whom, when and the location or medium of instruction(*i.e.*, specified brick-and-mortar location or virtual environment). The Academy will provide the Student’s parents with a meaningful opportunity to provide input into the determination, notice of the determination 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.

Action Step III Reporting Requirements

- a. By **November 15, 2023**, the Academy will submit to OCR:

- a copy of any meeting minutes or notes, and a copy of any supporting documentation the Academy relied upon in making its determination;
- a copy of any compensatory education or remedial services plan developed for the Student that includes information regarding the nature and amount of the services to be provided at no cost to the Student’s parents, by whom, when and the location or medium of instruction(*i.e.*, specified brick-and-mortar location or virtual environment);
- documentation of any input the Student’s parent(s) provided when the Team convened, and any challenges the Student’s parents made to the determinations made;
- documentation showing the Academy provided the Student’s parent(s) with notice of any determinations the Team made and procedural safeguards; and
- if applicable, a written explanation of the reasons the Team determined that no compensatory education and/or other remedial services were necessary, along with any supporting documentation. OCR will review the documentation submitted 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; or
- In the event that the District’s Section 504 Coordinator does not respond to the Academy’s request to participate or has notified the Academy that the student is no longer enrolled with the District and is unable to identify the new school of record, the Academy will submit to OCR all documentation supporting its good faith efforts to comply with Action Step III. OCR will then determine appropriate next steps, if any, including compliance reporting timelines.

b. By **December 31, 2023**, the Academy will provide OCR with documentation of:

- the dates, times, and locations that any compensatory education and/or other remedial services were provided to the Student;
- the amount of compensatory education/remedial services provided at each date and time; and
- the name(s) and title(s) of the instruction/service provider(s); or
- Documentation of its good faith efforts to comply with this Section III.

General Requirements

The Academy understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or Section 504 and Title II and their implementing regulations, 34 C.F.R. Part 104 and 28 C.F.R. Part 35. 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 Academy understands that OCR will not close the monitoring of this Agreement until OCR determines that the Academy has demonstrated compliance with all the terms of this Agreement

and is in compliance with Section 504 and Title II and their implementing regulations, 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this complaint.

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

/s/

08/11/2023

Superintendent or Designee

Date