

RESOLUTION AGREEMENT

Dr. Lena Edwards Academic Charter School Case No. 02-18-1380

In order to resolve Case No. 02-18-1380, the Dr. Lena Edwards Academic Charter School (the School) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 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 (the ADA), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

This Agreement does not constitute an admission by the School that it violated Section 504 or the ADA or any regulations OCR enforces. The School denies that it violated Section 504 or the ADA or any regulations OCR enforces.

Action Item 1: Review of Actions of School Personnel

By March 1, 2019, the School shall convene a committee to review the events and circumstances related to the following alleged incidents of retaliation: (a) requests for the complainants' identification when they visited the School between May 2017 and June 2018; (b) the principal's alleged refusal to meet with the Student's mother in and around April/May 2017; (c) the principal's alleged refusal to meet with the complainants regarding the Student's detention after he was pushed by another Student in September 2017; (d) the principal's alleged disregard for the complainants' requests to reschedule a Section 504 meeting in or around November 2017; (e) the principal's alleged disregard for the complainants' requests for a meeting with the parents of a student involved in a bullying incident in November 2017, wherein the Student was injured; (f) the parent-teacher night on April 19, 2018, during which the complainants allege that the principal, assistant principal, special education teacher, and social worker followed them around the building; and, (g) the report to the New Jersey Department of Child Protection and Permanency (DCPP) that occurred on XXXX XX, 2017. The School will take such actions as may be appropriate and warranted based upon the review, including disciplinary action. The School shall issue a written report to OCR concerning the review, and findings, and any actions deemed appropriate and warranted to address the findings.

Reporting Requirements:

- a) By March 15, 2019, the School will provide a report to OCR concerning its review conducted consistent with Action Item 1, including a description of the process for the review; the information considered; and, an explanation for the determination made. The School will identify by name and title personnel involved in the review and issuance of the report.
- b) By March 15, 2019, the School will provide documentation to OCR demonstrating that it has taken appropriate action, including any disciplinary action, based upon its review and findings.

Action Item 2: Training

- A. By March 1, 2019, the School will provide training to all School teachers, staff members and administrators who were responsible for implementing the Student’s Section 504 plan from December 2017 to June 2018. The training will include the requirements under Section 504 to provide a free appropriate public education to qualified disabled students; staff members’ obligations under Section 504 to adhere to all items in a student’s Section 504 plan; and, methods to ensure that all related aids and services are provided and documented.

- B. By March 1, 2019, the School will provide training to all School staff on the prohibitions regarding retaliation. The training will include a discussion of (a) what constitutes a protected activity; (b) what constitutes an adverse action; and, (c) recognizing acts of retaliation and intimidation, and their effects on individuals who engaged in protected activities.

Reporting Requirement: By March 15, 2019, the School will provide to OCR: (a) the name(s) of the individual(s) who conducted the training outlined in Action Items 2(A) and (B) above; (b) the date(s) the training was conducted; (c) names and titles of those who attended the training; and, (d) copies of any training materials disseminated.

The School understands that by signing this resolution agreement (the Agreement), it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the School understands that during the monitoring of this Agreement, if necessary, OCR may visit the School, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the School has fulfilled the terms and obligations of this Agreement. Upon the School’s satisfaction of the commitments made under this Agreement, OCR will close this case.

The School understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the School 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 School’s representative below.

12-14-18

/s/

Date

Christopher Garlin
Chief Executive Officer
Dr. Lena Edwards Academic Charter School