

## **RESOLUTION AGREEMENT**

### **Democracy Prep Bronx Charter School Case No. 02-18-1452**

In order to resolve Case No. 02-18-1452, Democracy Prep Bronx 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.

#### **Action Item 1: Individual Relief for the Student**

By April 7, 2019, the School's Academic Collaboration Team (ACT), will convene a meeting of a group of persons knowledgeable about the Student (i.e., the Section 504 committee) to consider whether the Student was denied a free appropriate public education (FAPE) with regard to the implementation of his Section 504 Plan during school year 2017-2018. If so, the group will consider the need for remedial and/or compensatory regular and/or special education and related aids and services, including additional counseling services. In making these decisions, the School will adhere to procedures that satisfy the requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34; 104.35 and 104.36. The School will invite the Student's mother to attend this meeting and to provide any documentation to support that the Student was denied a FAPE as a result of the failure to implement the Student's Section 504 Plan. The written invitation to the Student's mother will provide her with a minimum of thirty (30) calendar days to respond. If the Student's mother declines the invitation or does not respond within the timeframe specified in the invitation, the School shall be under no obligation to extend the offer in the future. If the group of knowledgeable persons determines that the Student requires remedial and/or compensatory services, the School will develop a plan for providing the services; with a completion date for providing the services not to extend beyond August 31, 2019.

#### **Reporting Requirements:**

- a) By April 15, 2019, the School will provide to OCR a copy of the written invitation to the meeting to the group of persons knowledgeable about the Student made to the Student's mother, as well as the mother's response, if any.
- b) By April 15, 2019, the School will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referred to in Action Item 1 above, including but

not limited to documentation identifying the attendees and demonstrating that the group made a decision about whether the Student requires remedial and/or compensatory regular or special education and related aids and services, including counseling services; an explanation for the decisions made regarding whether the Student requires such services; a detailed description of the services to be provided, if any; the schedule for providing any such services; OCR will review the documentation submitted to ensure that the School 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.

- c) If applicable, by August 31, 2019, the School will provide documentation to OCR demonstrating that it has provided the Student with all remedial and/or compensatory regular or special education and related aids and services, including counseling services, deemed necessary. The documentation should include the dates, times, and locations that such services were provided, and the name(s) of the service provider(s).

### **Action Item 2: Training for School Staff**

By April 7, 2019, the School will provide training to relevant School staff, including the School principal, assistant principals, and the Student's integrated co-teaching and regular education teachers responsible for implementing Section 504 Plans and individualized education program (IEPs) on discrimination on the basis of disability. At a minimum, the training will include review of the School's obligations pursuant to Section 504 regarding the evaluation of students for special education and/or related aids and services; educational placement; the implementation of each element of a student's Section 504 Plan and/or IEP; and the elements of a FAPE.

### **Reporting Requirement:**

By April 30, 2019, the School will provide documentation to OCR demonstrating that training was provided consistent with Action Item 2 above. This documentation will include: (a) the name(s) and credentials of the individual(s) who conducted the training; (b) a list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; (d) a description of the content, scope, and duration of the training provided; and, (e) copies of all training materials used and disseminated, including handouts, guides, or other materials.

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.

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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 shall give the School written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Date: 3/5/2019

/S/  
Signed: \_\_\_\_\_  
Principal  
Bronx Prep High School