

Resolution Agreement
Zoe Learning Academy
OCR Complaint No. 06141025

Zoe Learning Academy (ZLA or School) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office. By this Agreement, ZLA commits to the following actions, consistent with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and their respective implementing regulations, to resolve the compliance concerns raised by the complainant's allegations. ZLA understands that OCR will not close the monitoring of this Agreement until OCR determines that ZLA has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, at 34 C.F.R. §§ 104.3, 104.4, 104.33-104.36, and 28 C.F.R. § 35.130, respectively, which were at issue in this case. ZLA 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 this Agreement. Further, ZLA understands that during the monitoring of this Agreement, if necessary, OCR may visit ZLA, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether ZLA has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II. ZLA 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 ZLA written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach. ZLA hereby voluntarily commits to the following:

ACTION ITEM 1: Training/Education

1.1 By September 15, 2014, ZLA will provide training regarding its obligation under Section 504 and Title II to provide a free appropriate public education (FAPE) to all qualified enrolled students with disabilities. The training will be provided to the employee designated to coordinate ZLA's efforts to comply with and carry out its responsibilities under Section 504 and Title II and to all relevant personnel, including, but not limited to, school administrators, faculty, and counselors. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to disability discrimination. The training shall address, at a minimum:

- (a) ZLA's policies and procedures for carrying out its responsibilities under Section 504 and Title II to provide a FAPE to each qualified disabled person who is enrolled at the School, regardless of the nature or severity of the person's disability; and
- (b) ZLA staff members' obligation to fully implement any Section 504 Plan that has been developed for a qualified student with a disability.

REPORTING REQUIREMENTS:

1.2 By September 22, 2014, ZLA will provide documentation to OCR evidencing that the training required by Action Item 1.1 has been completed, including the identity of the individual(s) who conducted the training and the individual(s)' qualifications, along with a copy

of the materials or a summary of the material covered in such training and sign-in sheet(s) or other documentation showing who attended the training.

ACTION ITEM 2: Notice of Nondiscrimination and Grievance Procedures

2.1 By August 4, 2014, ZLA will revise its current notice of nondiscrimination to include a statement that ZLA does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The notice shall contain the name and/or title, office address, electronic mail address and telephone number of the person(s) designated to coordinate ZLA's efforts to comply with Section 504. ZLA will notify its beneficiaries, in a continuing manner, by:

- a. Prominently publishing the revised notice of nondiscrimination in ZLA's student handbook(s);
- b. Prominently publishing the revised notice of nondiscrimination on ZLA's website; and
- c. Prominently publishing the revised notice of nondiscrimination in ZLA's major publications, such as announcements, bulletins, or application forms, which are made available to students, employees, and other parties.

2.2 By August 4, 2014, ZLA will submit to OCR, for review and approval, written grievance procedures to provide for the prompt and equitable resolution of complaints alleging discrimination and/or harassment on the grounds of disability, sex (including gender stereotype), and/or age, as well as retaliation for exercising one's rights regarding alleged disability, sex (including gender stereotype), and/or age discrimination or harassment. Such procedures will be developed, adopted, and disseminated to all students, parents, applicants, employees, and other individuals in accordance with the requirements of Section 504 at 34 C.F.R. § 104.7(b), Title II at 28 C.F.R. § 35.107, Title IX of the Education Amendments of 1972 (Title IX) at 34 C.F.R. § 106.8, and the Age Discrimination Act of 1975 (Age Act) at 34 C.F.R. § 110.25. The grievance procedures should incorporate appropriate due process standards and include, at a minimum, the following:

- a. A statement that the grievance procedures are applicable to complaints alleging discrimination and harassment as well as retaliation carried out by employees, other students, or third parties;
- b. Notice to students, employees and others of the process for filing a complaint/grievance, including whom to contact and how to initiate a complaint/grievance;
- c. A requirement that all complaints/grievances will be promptly, thoroughly, and impartially investigated and decided within reasonable designated time frames at each stage of the complaint/grievance process, and that in the context of

harassment complaints, the process will include an opportunity for both victims and the accused to present witnesses and relevant evidence;

- d. Provisions for maintaining the confidentiality of the person who files a complaint/grievance;
- e. Written notice to the complainant/grievant of the disposition of the complaint/grievance at each stage of the process; written notice to the respondent(s) of the final disposition of the complaint/grievance and appeal, if applicable.
- f. A fair and equitable appeal process;
- g. Notice that retaliation against any person who files a complaint/grievance and persons who participate in the related proceedings is prohibited; and
- h. Assurance that if discrimination, harassment, or retaliation has occurred, appropriate corrective and remedial actions will be taken.

REPORTING REQUIREMENTS:

2.3 By August 11, 2014, ZLA will provide OCR with copies of ZLA’s revised notice of nondiscrimination and any other related revised documents.

2.4 By August 11, 2014, ZLA will provide OCR with a summary of the methods by which ZLA has informed the public (students, visitors, third parties, faculty, staff, employees, etc.) of its revised notice of nondiscrimination (*e.g.*, inclusion on ZLA’s website, publication in the Student Handbook, posted flyers in the school building, etc.).

2.5 Within **15 calendar days** of ZLA’s receipt of the OCR-approved revised grievance procedures, ZLA will provide OCR with documentation to substantiate that it has formally adopted and disseminated the OCR-approved grievance procedures as required in items 2.2(a)-(h), above. Such documentation may include, but is not limited to, documentation showing that all students, parents, employees, and other interested persons have been notified (via the ZLA website and in writing) of the grievance procedures, and where they may obtain a copy.

ACTION ITEM 3: Student Remedies

3.1 By April 22, 2014, ZLA will formally notify the complainant in writing of its willingness to evaluate her son’s (hereinafter the Student) need for special education or related services pursuant to Section 504, at 34 C.F.R. §§ 104.33 and 104.35, should the Student apply and be accepted for admission to ZLA. If the complainant accepts ZLA’s offer to evaluate the Student, ZLA will schedule an evaluation to determine the Student’s eligibility for special education or related services in accordance with the regulatory requirements of Section 504. ZLA will provide the complainant with a minimum of **14 calendar days** to respond to ZLA’s offer to evaluate the Student’s need for special education or related services.

3.2 If the complainant accepts ZLA’s offer to evaluate the Student pursuant to Item 3.1 above, and the Student applies to and is accepted for admission to ZLA, ZLA will complete such evaluation and determine whether and to what extent it should provide special education or related services, pursuant to the Section 504 regulatory requirements at 34 C.F.R. § 104.33, **within 14 calendar days** of the Student’s admission to ZLA.

REPORTING REQUIREMENTS:

3.3 By April 29, 2014, ZLA will provide written documentation to OCR evidencing that Action Item 3.1 has been completed. ZLA will submit to OCR a copy of the written notice issued to the complainant in accordance with this Action Item. In addition, ZLA will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referenced in Action Item 3.1 above, including an explanation for decisions made, and a description of and schedule for providing any special education or related services to the Student **within 14 calendar days** of the evaluation. OCR will review the documentation submitted to ensure that ZLA met the procedural requirements of the regulations implementing Section 504, at 34 C.F.R. §§ 104.34-104.36, in making these determinations.

Dr. Richard Rose, Superintendent
Zoe Learning Academy

Date

Printed Name and Title