

## **RESOLUTION AGREEMENT**

### **KIPP Houston (KIPP Liberation College Prep) OCR Case Number: 06141342**

KIPP Houston (KIPP Liberation College Prep) (KIPP) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, KIPP 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. KIPP understands that OCR will not close the monitoring of this Agreement until OCR determines that KIPP 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. KIPP 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, KIPP understands that during the monitoring of this Agreement, if necessary, OCR may visit KIPP, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether KIPP has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II. KIPP 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 KIPP written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach. This Agreement does not constitute an admission by KIPP that it discriminated or otherwise engaged in any wrongdoing. KIPP hereby voluntarily commits to the following:

By the following dates, KIPP will complete the following actions:

#### **ACTION ITEM 1**

By **June 2, 2014**, KIPP will convene a Section 504 team to review XXXXX X XXXXXXXXX (the Student's) existing Section 504 Plan, and to determine whether the Student requires compensatory educational services, i.e., extra services required for the Student to receive a free appropriate public education (FAPE) that are necessitated by any delay in evaluating, and/or providing services to, the Student during the fall 2013 semester.

#### **ACTION ITEM 2**

By **June 16, 2014**, KIPP will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referenced in Action Item 1 above, including a copy of the Student's Section 504 Plan, an explanation for decisions made, and a description of and schedule for providing any compensatory and/or remedial services to the Student. OCR will review the documentation submitted to ensure that KIPP met the procedural requirements of the regulations implementing Section 504, at 34 C.F.R. §§ 104.34-104.36, in making these determinations.

### **ACTION ITEM 3**

If the Section 504 team determines that the Student is entitled to compensatory educational services, KIPP will, **within ten (10) calendar days** after OCR approves the compensatory educational services determination, extend a written offer of such services to the complainant. KIPP will provide OCR a copy of the written offer, as well as documentation, if any is received by KIPP, indicating the complainant's response to the offer, **within ten (10) calendar days** of receipt.

### **ACTION ITEM 4**

By **September 30, 2014**, KIPP will provide all necessary compensatory educational services to the Student, if it determines that he requires such services to receive a FAPE, as described in Action Item 1 above.

### **ACTION ITEM 5**

By **June 2, 2014**, KIPP will provide information to OCR in connection with an upcoming training session regarding its obligation under Section 504 and Title II to provide a FAPE to all qualified students with disabilities attending its schools, and its duty to refrain from retaliation. The information must include, but shall not be limited to, the credentials of the individual(s) selected to conduct the training, a proposed plan for the training session (e.g., length of the training session, topics to be considered, etc.), and a description of the training materials to be used by the trainer(s) and/or provided to attendees during the training session.

### **ACTION ITEM 6**

By **September 30, 2014**, KIPP will conduct the training session regarding its obligation under Section 504 and Title II to provide a FAPE to all qualified students with disabilities attending its schools, and its duty to refrain from retaliation. The training must be provided to all relevant personnel, including, but not limited to, KIPP administrators, school administrators, faculty, and counselors. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to disability discrimination and retaliation. The training shall address, at a minimum:

- KIPP'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 attending its schools, regardless of the nature or severity of the person's disability, including KIPP staff members' obligation to timely evaluate any student who, because of disability, needs or is believed to need special education or related services; and
- OCR's prohibition against retaliation, pursuant to which KIPP may not harass, coerce, intimidate, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the civil rights laws enforced by OCR,<sup>1</sup> or because any

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<sup>1</sup> OCR enforces Federal laws that prohibit discrimination on the bases of race, color, national origin, disability, sex, and age. OCR is also responsible for enforcing the Boy Scouts of America Equal Access Act.

