

University of Houston Charter School
OCR Complaint No. 06142014
Voluntary Resolution Agreement

The University of Houston Charter School (UHCS or the School) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the School commits to the following actions to resolve the compliance concern identified through OCR's investigation of the above-referenced complaint, consistent with its obligation to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulations at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulations at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability. The School hereby voluntarily commits to the following:

Action Item #1:

Section 504/Title II Coordinator and Notice Provisions

1. By September 19, 2014, the School will notify parents/guardians of the name and/or position title, office address, telephone number, and e-mail address for the individual(s) designated to ensure the School's compliance with Section 504 and Title II in conformity with the Section 504 and Title II implementing regulations at 34 C.F.R. §§ 104.7(a) and 104.8(a) and 28 C.F.R. § 35.107(a), respectively. The notification shall occur by written correspondence, e-mail, or both. The notification will also be included on the School's websites and in any School student/parent handbooks.

Action Item #2:

2. By September 19, 2014, the School shall include in any published recruitment materials or other publications, as well as information provided through its website, e-mailed communications, or notices in newspapers or magazines that contain general information that it makes available to participants, beneficiaries, applicants, or employees:
 - a. notice that it does not discriminate (Anti-Discrimination Statement) on the basis of disability in violation of Section 504 and Title II with respect to admission or access to, or treatment or employment in, its programs and activities; and
 - b. notice of the name and/or position title, office address, telephone number, and e-mail address of the individual(s) designated to coordinate its efforts to comply with Section 504 and Title II.

Until the next date of regularly scheduled reprinting of published materials, inserts may be used to provide the required notice.

Reporting Requirements for Action Items #1 and #2:

1. By October 3, 2014, the School will provide OCR a copy of the contact information for the individual(s) designated to ensure the School's compliance with Section 504 and Title II, listed in Action Item #1. Documentation may include copies of relevant publications, screen shots or links to document website notice, e-mailed notification, and other relevant information.
2. By October 3, 2014, the School will provide OCR a copy of the Anti-Discrimination Statement, listed in Action Item #2 above, and verification that the statement was disseminated to all parents, students, staff, and interested parties at the UHCS campus. Also, the School will provide photographic evidence of the prominent locations on campus where the Anti-Discrimination Statement was posted, and will identify the locations where the statement is found in the Student Handbook, Disability Grievance Policy, and on the UHCS's website.

Action Item #3:

Section 504/Title II Grievance Procedures

3. By September 19, 2014, the School will develop and submit to OCR for review a Section 504/Title II grievance procedure to comply with the requirements of the Section 504 regulation at 34 C.F.R. § 104.7(b) and the Title II regulation at 28 C.F.R. § 35.107(b). The grievance procedure will incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 or Title II, including disability-based harassment. At a minimum, the grievance procedure will:
 - a) include notice of the name and/or position title, office address, telephone number, and e-mail address for each individual(s) designated to ensure the School's compliance with Section 504 and Title II;
 - b) include notice to students, parents, and employees of the procedure for filing a complaint, including how, where, and with whom complaints may be filed;
 - c) provide an alternative designee, for discriminatory actions by the same person conducting the investigation, to alleviate conflicts of interest (real or perceived) by those handling the procedures, and the procedures should not require the complainant to work out an issue directly with the accused;
 - d) apply to complaints alleging disability discrimination carried out by School employees, students, or third parties;
 - e) provide for the adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;

- f) contain designated and reasonably prompt timeframes for the major stages of the grievance process, as well as the process for extending timelines;
- g) provide for written notice to the parties of the outcome of the complaint and provide updates to the individual alleged to be discriminated against throughout the investigation;
- h) contain assurance that steps will be taken to prevent recurrence of discrimination if it occurs and to correct its effects on the complainant and others, if appropriate;
- i) contain a prohibition against retaliation which prohibits the School or others from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Section 504 or Title II or because an individual has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under those laws; and
- j) if an informal resolution process is included as part of the procedure, clearly state that any informal resolution process is voluntary and not a required step to be taken prior to making a formal complaint.

Reporting Requirements for Action Item #3:

1. By September 19, 2014, the School will submit its Section 504/Title II grievance procedure to OCR for review and approval.
2. Within 15 calendar days (or other mutually agreed date), after OCR's review and approval, the UHCS will provide documentation that it has provided written notice of the revised investigation guidelines of disability grievance procedures and processes to all UHCS staff, parents, and interested parties. The School will also provide verification to OCR that it has published and posted the adopted guidelines of the disability grievance procedures and processes on its website and in any School student/parent handbooks, in accordance with Action Item #3.

General Requirements

The School understands that OCR will not close the monitoring of this Agreement until OCR determines that the School has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulations at 34 C.F.R Part 104, and Title II and its implementing regulations at 28 C.F.R. Part 35, which were at issue in this case.

The School 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, 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 of this Agreement and is in compliance with Section 504 and its implementing regulations at 34 C.F.R. Part 104, and Title II and its implementing regulations at 28 C.F.R. Part 35.

The School 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 the School written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Superintendent of University of Houston Charter
School (UHCS)

Date