



RESOLUTION AGREEMENT

University Method of Education Preparatory Academy
(UME or District)
OCR Case Number: 06-19-1128

The U.S. Department of Education, Office for Civil Rights, (OCR) and the University Method of Education Preparatory Academy (UME or District) enter into this agreement (Agreement) to resolve the allegations in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance. Title II prohibits public entities from discriminating on the basis of disability.

Prior to the completion of OCR's investigation, the District agreed to resolve the issue of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issue of this investigation, the District agrees to take the following action.

A. ACTION ITEMS & REPORTING REQUIREMENTS:

Action Item 1 – Review Relevant 504/Title II Policies, Procedures, & Notice

1. **By March 31, 2019**, the District will review its relevant policies, procedures, and notice and determine whether they satisfy the following requirements:
 - a. With regard to the provision of auxiliary aids and services for individuals with disabilities, [XXXX to end of clause], the District will ensure that its policies and procedures satisfy the standards set forth at 28 C.F.R. §§ 35.160 and 35.164;
 - b. With respect to the District's Section 504 and Title II grievance procedures, the District will ensure that its policies and procedures satisfy the standards set forth at 34 C.F.R. § 104.7 and 28 C.F.R. § 35.107; and
 - c. With respect to the aforementioned policies and procedures, the District will ensure that it publishes, both in written publications and on the District's website, notice to District employees and students regarding the availability of auxiliary aids and services, including where and how to make a request for such aids and services; and notice regarding the District's grievance procedures, including where and how to file such grievances.

Reporting Requirement: Action Item 1

- a. **By March 31, 2019**, the District will provide to OCR a report regarding the District's review and its determinations as to whether its policies, procedures, and notice referenced in Action Item 1 necessitate revisions to satisfy the requirements of that action item.

Action Item 2 – Revise as Necessary Relevant 504/Title II Policies, Procedures, & Notice

2. **By July 31, 2019**, if the policies, procedures, and notice referenced in Action Item 1 necessitate revisions to satisfy the requirements of that action item, the District will make such revisions and will publish its revised policies, procedures and notice both in written publications and on the District’s website.

Reporting Requirements: Action Item 2

- b. **By April 30, 2019**, the District will provide to OCR, for review and approval via email, its policies, procedures, and notices required by Action Item 1, prior to adopting or disseminating such documentation.
- c. **Within thirty (30) calendar days** of receiving OCR’s written approval pursuant to Reporting Requirement (a) of Action Item 1, the District will provide OCR with a link or links to the District website page(s) and copies of all policy manuals and student and employee handbooks that include the policies, procedures, and notices required by Action Item 1.

Action Item 3 – Conduct Section 504/Title II Training for All Campus Staff

3. **By August 31, 2019**, the District will conduct staff training at the [XXXX XXXX XXXX] (Campus) regarding the District’s responsibilities under Section 504 and Title II. The training must be provided to all staff at the Campus, including, but not limited to, administrators, faculty, and counselors. Additionally, the training will be conducted by individuals knowledgeable about the laws and issues pertaining to Section 504 and Title II, and may be delivered to District employees in an electronic format. At a minimum, the training will cover the topics, polices, and procedures described in Action Item 1 and will address the District’s responsibilities to:
 - a. Provide a free and appropriate public education (FAPE) to qualified students with disabilities in the District’s jurisdiction; which includes appropriately identifying, evaluating, and placing students who are believed to need or need special education and related services; and providing appropriate regular or special education and related aids and services; pursuant to the Section 504 and Title II implementing regulations respectively located at 34 C.F.R. §§ 104.33–104.35 and 28 C.F.R. § 35.130;
 - b. Ensure that the District’s communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others; pursuant to the Title II implementing regulations located at 28 C.F.R. §§ 35.160 and 35.164; and
 - c. Adopt and disseminate grievance procedures that provide for prompt and equitable resolution of complaints alleging any action that would violate Section 504 or Title II, pursuant to the Section 504 and Title II implementing regulations respectively located at 34 C.F.R. § 104.7 and 28 C.F.R. § 35.107.

Reporting Requirements: Action Item 3

- a. **By May 31, 2019**, the District will provide OCR, for review and approval via email prior to conducting the training, information about the training described in Action Item 2 of this Agreement. This information will include, but not be limited to, a copy of all training modules, handouts, and materials that will be utilized during the training session(s); the name, credentials, and contact information of the individual(s) who will conduct the training; and a proposed plan/notification that the District will use to inform attendees of the mandatory training session(s) (e.g., topics to be discussed), which may be presented to District employees at multiple sessions.
- b. **Within sixty (60) calendar days** after OCR approves the training-based information described in Reporting Requirement (a) for Action Item 2 of this Agreement, the District will conduct the training, as approved by OCR, for all District staff at the Campus and will provide OCR with detailed information regarding the training. This information will include, but not be limited to, sign-in sheets for all training sessions evidencing all staff who attended the training; the date the training session(s) were conducted; a copy of the training materials used; and the name, credentials, and contact information of the individual(s) who provided the training to comply with Action Item 2.

Action Item 4 – Ensure Effective Communication with the Student pursuant to Title II

4. **By April 30, 2019**, the District will ensure that its communications with the Student are as effective as communications with other individuals without disabilities, pursuant to the Title II implementing regulations located at 28 C.F.R. §§ 35.160 and 35.164. As part of this Action Item, the District will:
 - a. **Within ten (10) calendar days** of the execution of this Agreement, invite the complainant and the Student to provide any documentation that they would like to submit in connection with the District's obligation to effectively communicate with the Student, and provide the complainant and the Student a minimum of ten (10) calendar days to submit such documentation;
 - b. **Within ten (10) calendar days** of the execution of this Agreement, offer to meet with the complainant and the Student at a mutually convenient day and time regarding the District's obligation to effectively communicate with the Student, and provide the complainant and the Student a minimum of ten (10) calendar days¹ to respond to such offer;
 - c. **By April 30, 2019**, consider all relevant documentation and information obtained, including documentation from the complainant and the Student; re-evaluate the complainant's and the Student's requests for [XXXX to end of clause]; and determine any other measure(s) the District will take to effectively communicate with the Student pursuant to Title II; and
 - d. **Within five (5) calendar days** of conducting the re-evaluation and making the

¹ The deadlines for the submission of documentation in Action Item 4(a) and response to the offer in Action Item 4(b) shall fall on the same date, which shall be decided by the District.

determinations described in Action Item 4(c) above, notify the complainant of the outcome of such re-evaluation and related determinations via certified mail with return receipt requested or any other method the District deems appropriate.

Reporting Requirements: Action Item 4

- a. **By April 15, 2019**, the District will submit to OCR a copy of the invitation and offer required by Action Items 4(a) and (b), evidence of the complainant's and the Student's receipt of such invitation and offer, and copies of any response(s) received from the complainant and the Student.
- b. **By May 31, 2019**, the District will submit to OCR copies of all documentation relevant to Action Items 4(c) and (d), including but not limited to the notification to the complainant of its decision, evidence of the complainant's receipt of such decision, and a written explanation of the District's decision-making process.

Action Item 5 – Evaluate & Provide Services to the Student pursuant to Section 504/Title II

5. **By April 30, 2019**, after providing proper written notice to the complainant via certified mail with return receipt requested, the District will convene a group of knowledgeable persons to evaluate the Student in accordance with Section 504/Title II. As part of its meeting, the group of knowledgeable persons will also determine whether the Student needs compensatory and/or remedial services with respect to whether and how the District effectively communicated with, evaluated, and provided services to the Student during the [XXXX–XXXX] school year. If the District determines that the Student needs compensatory and/or remedial services, **within 1 week** of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **December 2019**. The District will set forth the regular or special education and related aids, services, and placement in a written Section 504 Plan or written Individualized Education Program (IEP), and commence providing the services. The District will provide the complainant notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements: Action Item 5

- a. **By April 30, 2019**, the District will submit to OCR documentation which evidences its completion of a Section 504/Title II evaluation of the Student and the District's decision regarding the Student's eligibility for services pursuant to Section 504/Title II, including a copy of the Section 504 Plan or IEP prepared for the Student. In addition, the District will submit to OCR documentation that notice of procedural safeguards was provided to the complainant.
- b. **Within 2 weeks** of the decision as to whether compensatory and/or remedial services are needed in accordance with Action Item 5, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall

include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student.

- c. Following the adoption of any plans by the District in order to comply with Action Item 5 of this Agreement, the District will provide documentation to OCR that any compensatory and/or remedial services deemed necessary to meet the Student’s individual educational needs have, in fact, been provided. Documentation of such implementation of compensatory and/or remedial services will be provided to OCR for each grading period, and **no later than 10 days after the end of each grading period remaining during the 2019 calendar year.**

B. GENERAL TERMS & PRINCIPLES:

The District 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 District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms and obligations of this Agreement. Upon the District’s satisfaction of the commitments made under this Agreement, OCR will close the case.

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

C. EXECUTION:

This Agreement will become effective immediately upon the signature of the District’s representative below.

Printed Title & Name of Authorized District Official

Date

Signature of District Official