

**Resolution Agreement  
Heritage Academy  
Complaint No. 08-13-1181**

In order to resolve the open allegation in Case Number 08-13-1181 filed with the U.S. Department of Education, Office for Civil Rights (OCR) against Heritage Academy (Academy), pursuant to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12131-65 and their implementing regulations at 34 C.F.R. §§ 104.4, 104.7, 104.8 & 104.31-104.36 and 28 C.F.R. §§ 35.106, 35.107, & 35.130, the Academy agrees to implement the following Resolution Agreement.

Prior to OCR's completion of its investigation and before OCR had made any findings, the Academy indicated its desire to voluntarily enter into an agreement to resolve the allegation and related procedural compliance concerns in the complaint and ensure compliance with Section 504 and Title II. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint, OCR believes that doing so is appropriate, and the remedies align with the allegations.

1. The Academy will draft for OCR's approval a written notice of its Section 504/Title II compliance officer to ensure compliance with the requirements of Section 504, Title II, 34 C.F.R §§ 104.7(a) & 104.8, and 28 C.F.R. §§ 35.106 & 35.107(a).

**REPORTING REQUIREMENT:**

- By November 15, 2013, the Academy will provide a copy of the notice for approval by OCR that is required in Term 1.
2. The Academy will draft for OCR's approval a Section 504/Title II grievance procedures to ensure compliance with the requirements of Section 504, Title II, 34 C.F.R §§ 104.7(b) & 104.8, and 28 C.F.R. §§ 35.106 & 35.107(b).

**REPORTING REQUIREMENT:**

- By January 15, 2014, the Academy will provide a copy of the procedure for approval by OCR that is required in Term 2.
3. The Academy will submit for OCR's approval a Section 504 policy and procedure for identifying and providing services to students with disabilities to ensure compliance with the requirements of Section 504 and 34 C.F.R §§ 104.32-104.37.

**REPORTING REQUIREMENT:**

- By January 15, 2014, the Academy will provide a copy of the policy and procedures for approval by OCR that are required in Term 3.
4. Within 30 days of OCR's approval of all of the Academy's policies required in Term 1-3, Academy will adopt and publish the approved policies and notice of the Section 504/Title II compliance officer.

**REPORTING REQUIREMENT:**

- Within ninety days of OCR's approval of the notice and policies and procedures, the Academy will provide documentation to demonstrate that the notice and policies and procedures in Terms 1-3 were adopted and published on the Academy's website, parent/student handbook, and any other appropriate publications used by the Academy.
5. After the approval of the policies and procedures in Terms 1-3, the Academy will provide training to all staff on the requirements of Section 504 and Title II, including, but not limited to: the obligation to identify, evaluate, and provide appropriate disability-related aids and services to students with disabilities, and Academy's OCR-approved policies and procedures in Terms 1-3.

**REPORTING REQUIREMENT:**

- By May 15, 2014, the Academy will include a copy of the training agenda for the training, who provided the training, all handouts provided during or before the training, a list of all staff at Academy, and a sign-in sheet for those attending the training.
6. The Academy will ensure the Section 504/Title II Coordinator receives annual training on the requirements of Section 504 and Title II.

**REPORTING REQUIREMENT:**

- By May 15, 2014, the Academy will provide documentation that the Section 504/Title II Coordinator received training by submitting a copy of the training agenda and information demonstrating the Coordinator's attendance.
7. The Academy will contact the Complainant to notify her that the Academy will accept completion of courses at the College level towards the Student's remaining credits in order to award the Student with a high school diploma from the Academy.

**REPORTING REQUIREMENT:**

- By October 5, 2013, the Academy will provide OCR with a copy of the proposed letter for review and approval. The letter will include the following information:
  - Specifically identify the remaining credits needed for the Student to obtain a high school diploma;
  - Deadlines for the Complainant to submit the Student's current college course registration and accompanying course syllabus for courses she wishes to apply towards the Student's high school diploma (deadlines should relate to the Fall 2013 and Spring 2014 semesters);
  - Deadlines for the Complainant to submit the Student's grades for each class she wishes to apply towards her high school diploma;

- Deadlines for the Academy to respond to the Complainant regarding whether the proposed courses will meet the credits towards the Student's high school diploma if the courses are completed with a passing grade; and
- The letter may state that if the Student does not meet the deadlines in the letter or any future deadlines established in writing, the Academy is not obligated to award the Student a high school diploma.
- By October 20, 2013, the Academy will deliver the approved letter to the Complainant.
- Additional reporting may be established based on the Academy's letter to the Complainant, including documentation that demonstrates whether the Student received a high school diploma from the Academy.

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

The Academy understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12131-65 and their implementing regulations at 34 C.F.R. §§ 104.4, 104.7, 104.8 & 104.31-104.36 and 28 C.F.R. §§ 35.106, 35.107, & 35.130, which were at issue in this case.

The Academy 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 Academy understands that during the monitoring of this agreement, if necessary, OCR may visit the Academy, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Academy has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12131-65 and their implementing regulations at 34 C.F.R. §§ 104.4, 104.7, 104.8 & 104.31-104.36 and 28 C.F.R. §§ 35.106, 35.107, & 35.130, which were at issue in this case.

\_\_\_\_\_/S/  
[Name]  
[Title]

\_\_\_\_10/22/2013\_\_\_\_\_  
Date