

**Resolution Agreement**  
**BASIS.ed**  
**Complaint No. 08-15-1005**

In order to resolve the allegation that BASIS.ed (BASIS) discriminated on the basis of disability by having a policy of not modifying curriculum for students with disabilities, filed against BASIS and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR) pursuant to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504) and its implementing regulation at 34 C. F. R. part 104, BASIS agrees to implement the following Resolution Agreement.

During the course of OCR's investigation, before OCR had made any findings, BASIS indicated its willingness to take steps necessary to ensure compliance with Section 504. 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 and the OCR Office Director believes that doing so is appropriate, so long as the remedies align with the allegations. BASIS' decision to enter into this Agreement is not an admission of liability or wrong-doing, nor shall it be construed as such.

1. BASIS has previously submitted for OCR review its special education policies and procedures. OCR will notify BASIS of all necessary revisions to these policies and procedures, and BASIS will submit those revisions for OCR approval. Within 30 days of OCR's approval of the final version of the policies and procedures, BASIS will take action to officially adopt, publish and disseminate the procedures, using its standard methods for disseminating new information to students, employees, and members of the public.

REPORTING REQUIREMENT: Within 30 days of publishing and disseminating the revised procedures, BASIS will provide OCR with documentation that this has taken place (such as copies of notices, an explanation of where and when notices were published or distributed).

2. BASIS will draft for OCR's approval in-service training materials and identify one or more persons knowledgeable about Section 504 who will provide the training, on an annual basis. The training will include, at minimum:
  - a) A review of BASIS' responsibility to comply with Section 504, which states that educational institutions under OCR's jurisdiction may not discriminate against any person on the basis of disability;
  - b) An explanation of what constitutes disability discrimination, including examples of disability discrimination;
  - c) A provision stating that BASIS commits to modifying curriculum for students with disabilities, including examples of such modifications;

- d) A statement by BASIS that it does not tolerate disability discrimination, that such conduct is prohibited by law, and that effective action, including disciplinary action where appropriate, will be taken; and
- e) A review of BASIS' discipline policies and procedures, including the consequences or series of consequences for employees who are found to have engaged in disability discrimination.

**REPORTING REQUIREMENT:** Within thirty (30) days of OCR's approval of the policies and procedures identified in Item #1 above, BASIS will submit documentation required in Item #2 to OCR. Such documentation will include:

- o The draft training materials for OCR's review and approval.
- o Identification of the intended trainer(s) and information about the trainer's qualifications.

- 3. Within thirty (30) school days of OCR's approval of the training materials, BASIS will schedule and conduct an in-service training. Attendees at this training will include all special education coordinators from each BASIS school site, as well all staff members from BASIS' central office who have supervisory responsibility over any individual whose job responsibilities include the provision of educational services, staff members who are responsible for implementing BASIS programming, and staff members who are responsible for public relations and marketing. Staff members in the Finance and Information Technology departments will not be required to attend the training but can do so upon request.

**REPORTING REQUIREMENT:** Within ten (10) calendar days after the conclusion of the training, BASIS will submit to OCR proof that the training was provided. Such documentation will include:

- o The agenda and handouts for the training;
- o The date and time the training was held; and
- o A copy of the attendance sheet from the training, including the name and title of each participant, along with a written assurance from BASIS' Chief Executive Officer that all required attendees were present during the training.

- 4. Within thirty (30) school days of the completion of the training described in Item #3 above, each special education coordinator will schedule and conduct an in-service training for the entire school to which that special education coordinator is assigned. All school staff members responsible for delivering educational services to students are required to attend this training.

**REPORTING REQUIREMENT:** Within ten (10) calendar days after the conclusion of each school site training, BASIS will submit to OCR proof that the training was provided. Such documentation will include:

- o The agenda and handouts for the training;

