

## **RESOLUTION AGREEMENT**

### **The LEAs operated by Edkey, Inc.**

### **OCR Case Numbers 08-17-1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025**

In order to resolve the allegations in OCR case numbers 08-17-1016 through 08-17-1025, filed against the 10 Local Education Agencies (LEAs) operated by Edkey, Inc. (hereinafter collectively referred to as "Edkey") and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), Edkey agrees to implement this Resolution Agreement. This case investigation was initiated pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), and its implementing regulation at 34 C.F.R. §§ 104.4 and 104.33-104.35, and Title II of the Americans with Disabilities Act of 1990 (Title II) at 28 C.F.R. § 35.130.

1. In order to ensure Edkey provides a free and appropriate public education to its students with disabilities, Edkey will review and revise its special education and Section 504 policies and procedures so that they are compliant with Section 504 and Title II, and their implementing regulations at 34 C.F.R. §§ 104.33-35 and 28 C.F.R. §§ 35.130, regarding:
  - a. The evaluation and placement of students with disabilities; in particular, the revised policies and procedures will ensure that individualized evaluation and placement determinations are made, and that such determinations are made by a group of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
  - b. The implementation of Individual Education Programs (IEPs) and Section 504 Plans of students with disabilities; in particular, the revised policies and procedures will ensure that all aspects of students' with disabilities IEPs and Section 504 Plans are fully implemented, including all related aids and services.

#### **REPORTING REQUIREMENTS:**

- By July 1, 2017, Edkey will submit to OCR for review and approval its draft policies and procedures for ensuring a free and appropriate public education is provided to its students with disabilities regarding the evaluation and placement of students with disabilities and the implementation of IEPs and Section 504 Plans.
- Once the policies and procedures are approved by OCR, Edkey will adopt the approved policy and procedures at its next regularly scheduled corporate board meeting.
- Within 60 days of the adoption of OCR's approved policy and procedure, Edkey will provide OCR with supporting documentation to demonstrate the approved policy and procedures were adopted. Supporting documentation may include weblinks to where the policy and procedures are posted on Edkey's or the individual LEA's or schools websites.

2. Edkey will identify and train all staff and faculty members at all of its LEAs and schools who are responsible for the evaluation and placement of students with disabilities, and for the implementation of students' with disabilities IEPs and Section 504 Plans, on the Term 1 approved policy and procedures.

**REPORTING REQUIREMENTS:**

- Within 30 days of OCR's approval of the policies and procedures, Edkey will provide OCR with a copy of the training agenda, training materials, and identify the trainer and her/his qualifications to provide the training, for OCR's review and approval.
  - No later than 6 months after OCR's approval of the trainer and training materials, Edkey will provide OCR with a copy of all handouts provided during or before the training, a list of all staff identified to receive the training, and a sign-in sheet for those attending the training.
3. Edkey will review the special education and Section 504 records of its enrolled students to ensure that each student has been properly and individually evaluated and placed in accordance with Section 504 compliant policy and procedures; and to ensure that each student's IEP or Section 504 Plan has been fully implemented, and that all related aids and services, including speech language services, have been provided.
    - a. For each student identified as not having been properly and individually evaluated or placed in accordance with Edkey's revised Section 504 compliant policy and procedures; and for each student identified as not having his or her IEP or Section 504 Plan fully implemented, including the provision of related aids and services, to include speech language services, the District will convene IEP or Section 504 meetings.
    - b. These meetings will address any deficiencies found, and will include discussion of appropriate remedies, which may include the provision of compensatory services and other appropriate remedies, as determined by the team. Each meeting shall be conducted in accordance with the requirements of 34 C.F.R. 104.34 and 35.

**REPORTING REQUIREMENTS:**

- Within 90 days of OCR's approval of the policies and procedures, Edkey will provide OCR for its review and approval with documentation demonstrating that it has reviewed the special education and Section 504 records, including a list of all students whose records were reviewed, a description of the review process, identification and titles of the individuals who conducted the review, and the outcome of each review. Included for OCR's review and approval will be the identification of those students who were not appropriately evaluated or placed in accordance with the OCR approved policy and procedures, or for whom the IEPs or Section 504 Plans were not fully implemented.
- Within 90 days of OCR's approval of the documentation demonstrating the review took place and the list of students identified, Edkey will provide documentation demonstrating that IEP or Section 504 teams were appropriately convened for each identified student, that the teams addressed any deficiencies found, and that appropriate

remedies, including compensatory services, were offered and provided. If the provision of those compensatory services is ongoing, please provide documentation demonstrating that all such services will be fully provided, and the manner in which they will be provided.

Edkey understands that OCR will not close the monitoring of this Agreement until OCR determines that it has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 of the Rehabilitation Act of 1973 at 34 C.F.R. §§ 104.4 and 104.33 - 104.35 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. § 35.130, which were at issue in this case.

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

Edkey 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, Edkey understands that during the monitoring of the Agreement, if necessary, OCR may visit Edkey, interview Edkey employees and students, and request such additional reports or data as are necessary for OCR to determine whether Edkey has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 of the Rehabilitation Act of 1973 at 34 C.F.R. §§ 104.4 and 104.33 -104.35 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. § 35.130, which were at issue in this case.

For Edkey, Inc.:

Date:

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Mark Plitzuweit  
CEO and President Edkey, Inc.