
RESOLUTION AGREEMENT

**Edkey Inc.
08-18-1070**

In order to resolve the allegations in Case Number 08-18-1070 filed against Edkey Inc. (“Edkey”), Edkey agrees to implement the following Resolution Agreement. These complaint allegations were 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, which prohibits discrimination on the basis of disability in education programs that receive Federal financial assistance from the Department.

During the course of OCR’s investigation, before OCR had made any findings, Edkey 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, OCR believes that doing so is appropriate, and the remedies align with the allegations. Edkey’s decision to enter into this Agreement is not an admission of liability or wrong-doing, nor shall it be construed as such.

- 1) By June 1, 2018, Edkey shall update its special education and Section 504 procedures (Procedures) to address Edkey’s obligation to provide effective communication to afford students with a disability an equal opportunity to enjoy and participate in Edkey’s programs and services. Specifically, the revisions shall address Edkey’s obligation to ensure that Edkey provides effective communication in all of its programs and activities, and not just class instruction time. Additionally, at a minimum, it shall explain Edkey’s obligation to provide auxiliary aids, provide examples of possible auxiliary aids including sign language interpreters, explain Edkey’s obligation to give “primary consideration” to the auxiliary aid requested, and explain that these auxiliary aids shall be made available to disabled students who require them outside of the classroom. Edkey will continue to make changes until it receives OCR’s approval.

REPORTING REQUIREMENT

By June 15, 2018, Edkey shall submit to OCR for its review and approval the Procedures in accordance to this term of the Agreement. Edkey will continue to make changes until it receives OCR’s written approval.

- 2) Within 60 calendar days of the written notification from OCR that the Procedures are approved, Edkey will adopt and implement the Procedures.

REPORTING REQUIREMENT

Within 10 calendar days of the adoption of the Procedures, Edkey will provide OCR with a copy of the Procedures as published and implemented, a statement confirming its publication and implementation of the Procedures, and a description of the location/s of the Procedures as published, including the link to the online posting of the Procedures.

- 3) Within 60 calendar days of the written notification from OCR that OCR has approved the Procedures, Edkey will issue a memorandum (Memo) at a minimum to all Principals and Vice/Assistant Principals, and all special education and 504 directors of all of Edkey schools. The Memo shall notify the recipients that Edkey updated its Procedures to clarify its obligations to provide effective communication to students with a disability. It shall explain Edkey's obligation to provide effective communication in all of its programs and activities, and not just class instruction time, explain Edkey's obligation to provide auxiliary aids, provide examples of possible auxiliary aids including sign language interpreters, explain Edkey's obligation to give "primary consideration" to the auxiliary aid requested, and explain that these auxiliary aids shall be made available to disabled students who require them outside of the classroom.

REPORTING REQUIREMENT

Within 10 days of the date Edkey issues the Memo, Edkey shall provide OCR with a statement confirming it has issued the Memo, a list of names along with job titles of all recipients of the Memo, and a copy of the final memo as issued. Edkey shall provide supporting evidence showing it has issued the Memo (e.g. copy of email showing list of recipients).

- 4) Edkey shall reimburse the Complainant for any interpreter expenses the Complainant incurred during the 2017-2018 school year to ensure the Student received effective communication in the programs and activities at the Williamsburg Academy. By June 1, 2018, Edkey shall issue a letter to the Complainant, informing the Complainant that Edkey will reimburse the Complainant for any interpreter expenses the Complainant incurred during the 2017-2018 school year related to the Student's enrollment at the Williamsburg Academy. Additionally, the letter will describe the documentation it requires for reimbursement, provide a deadline (60 days from the date of the letter) for the date it must receive the documentation, and state that Edkey will reimburse the Complainant within 30 business days from the date Edkey receives the required documentation.

REPORTING REQUIREMENT

By June 15, 2018, Edkey will provide OCR with a copy of the letter and a statement confirming it has issued the letter to the Complainant. As OCR requests during monitoring, Edkey will periodically update OCR and provide related documentation regarding its efforts to meet this term of the Agreement.

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

