

**Resolution Agreement
Berean Academy
OCR Case Number 08-18-1210**

The U. S. Department of Education, Office for Civil Rights (OCR) and Berean Academy (School) enter into this agreement to resolve the allegation in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the School. The School assures OCR that it will take the following actions to comply with Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the School agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the School agrees to take the following actions.

Policies and Procedures

- I. Within sixty (60) calendar days of this Agreement being signed, the School will submit to OCR for review and approval policies and procedures that address:
 - a. Section 504 and The Individuals with Disabilities Education Act (IDEA), including but not necessarily limited to:
 - i. Identification and notification;
 - ii. Evaluation and placement;
 - iii. Drafting and implementation of Section 504 Plans and Individual Education Programs; and
 - iv. Procedural Safeguards
 - b. Grievance procedures, at a minimum, the School will ensure that its policies and procedures provide the following:
 - i. Notice to students, parents, and employees of the procedure, including how and where complaints may be filed;
 - ii. Application of the procedure to complaints alleging discrimination carried out by employees;
 - iii. Adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;
 - iv. Designated and reasonably prompt timeframes for the major stages of the complaint process;
 - v. Notice to the parties of the outcome of the complaint; and
 - vi. An assurance that the School will take steps to prevent recurrence of any discrimination and to correct its discriminatory effects on the complainant and others, if appropriate.
 - c. The discipline of students who are or may be eligible for special education and/or related services, including:
 - i. Manifestation Determination Review (MDR) procedures; and
 - ii. Recordkeeping procedures regarding early dismissals initiated by the School, and procedures for including these as part of determining the need for an MDR.

- II. The School will promptly and fully address feedback from OCR until it receives OCR’s final approval for Term I.
- III. Within sixty (60) calendar days of OCR’s final approval of the policy, the School will adopt, publish, and disseminate the approved policies and procedures.
 - a. Publication must include:
 - i. The School’s “Parent/Scholar Handbook” and all similar documents;
 - ii. On the School’s internet site;
 - iii. All relevant internal or public handbooks or manuals produced by the School; and
 - iv. Any other form of publication the School may use to provide notice and information to parents and students (i.e. Facebook, Twitter, etc.).
 - b. Dissemination must include:
 - i. All School administrators;
 - ii. All teaching staff at the School; and
 - iii. All students that attend the School, along with their parents.
- IV. Within sixty (60) calendar days of receiving OCR’s final approval of the School’s policies and procedures for Term I the School will provide to OCR:
 - a. A copy of the final policies and procedures; and
 - b. Documentation showing that the policies and procedures were adopted, published and disseminated to the groups described in Term III.b.

Staff Training

- V. Within ninety (90) calendar days of signing the Agreement the School will submit to OCR for review and approval:
 - a. Draft materials to train School staff and administrators on the policies and procedures described in Term I.
 - b. The name(s), title(s) or position(s), and qualifications of one or more proposed individuals to provide the training to the School’s staff and administrators.
- VI. Within thirty (30) calendar days of receiving OCR’s final approval of the materials and trainer(s), the District will provide the training to all School staff and administrators.
- VII. Within thirty (30) calendar days of the training being provided, the School will provide to OCR:
 - c. The date, time, and location of the training;
 - d. Confirmation that the approved trainer(s) delivered the training;
 - e. The agenda and materials from the training;
 - f. The names and titles of all staff who attended the training; and
 - g. The name(s) and title(s) of all staff who were required to attend the training pursuant to Term II, but who did not attend the training, an explanation for each person’s absence, and any make-up dates for the training.

Section 504 Coordinator

- VIII. Within sixty (60) calendar days of signing the Agreement, the School will provide to OCR documentation indicating that the School has approved and created the position of Section 504 Coordinator. The documentation will include a position description.
- IX. Within ninety (90) calendar days of signing the Agreement the School will provide OCR

documentation that the position of Section 504 Coordinator has been filled and notice has been provided to the School community in the methods described in Term III.

Non-discrimination Notice

- X. Within sixty (60) calendar days of signing the Agreement the School will provide to OCR a draft statement of non-discrimination.
- XI. Within sixty (60) calendar days of receiving OCR’s approval of the non-discrimination statement the School will provide to OCR documentation that it published the approved non-discrimination notice on the School’s website and in its handbook.

Reimbursement

- XII. Within sixty (60) calendar days of signing the Agreement the School will provide to OCR documentation that it has reimbursed the Complainant for the following:
 - a. Four pairs of noise-canceling headphones at a cost of XXXX; and
 - b. The cost of applying for a Level I Security Card, which the Complainant initiated in order to hire a school aide for the Student.

The School understands that by signing this Agreement, it agrees to provide the foregoing 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 School, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the School has fulfilled the terms of this Agreement and is in compliance with Title VI and its implementing regulations at 34 C.F.R. § 100.3(a) and (b) Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

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

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

For the School:

/s/

Jim Fogarty, Superintendent

6/5/2018

Date