

## **RESOLUTION AGREEMENT**

### **Franklin Phonetic School OCR Case Number 08-18-1533**

In order to resolve the allegation in OCR case number 08-18-1533, filed against the (Franklin Phonetic School (School) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), as well as procedural issues identified during the course of investigation, the School in good faith 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, 104.7 and 104.8, and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. §§ 35.106, 35.107, and 35.130.

1. Notice of Non-Discrimination and Notice of Compliance Officer: The School will review and revise as needed its notice of non-discrimination and notice of Section 504/Title II Compliance officer so that the policies and procedures and notices are compliant with Section 504 and Title II of the ADA. See 34 C.F.R. §§ 104.7(a) & 104.8 and 28 C.F.R. §§ 35.106 & 35.107.

#### **REPORTING REQUIREMENTS:**

- By January 20, 2019, the School will submit to OCR for review and approval the School's draft notice of non-discrimination and notice of Section 504/Title II Compliance officer (notices).
- Within 60 days of OCR's approval of the notices, the School will adopt, publish, and provide OCR with documentation of the approved notice of non-discrimination and notice of Section 504/Title II Compliance officer. Supporting documentation should include 1) weblinks to each place where the notices are posted on the School's website, 2) parent handbook, and 3) other similar documents.

2. Section 504/Title II Complaint Procedures: The School will review and revise as needed its Section 504/Title II complaint procedures so that the policies and procedures and notices are compliant with Section 504 and Title II of the ADA. See 34 C.F.R. § 104.7(b) and 28 C.F.R. § 35.107.

#### **REPORTING REQUIREMENTS:**

- By January 20, 2019, the School will submit to OCR for review and approval the School's revised draft complaint procedures (policies, regulations, and/or procedures).
- Within 60 days of OCR's approval of the policies, regulations and/or procedures, the School will adopt, publish, and provide OCR with documentation of the approved policies, regulations and/or procedures. Supporting documentation should include 1) weblinks to each place where the policies and/or regulations and procedures are posted on the School's website, 2) parent handbook, and 3) other similar documents.

3. The School will train all its staff members on the approved notices and policies and procedures. The training will include the OCR approved notices, policies, and procedures, reporting incidents of disability discrimination and implementing the Compliance Officer's steps to prevent re-occurrence of discrimination on the basis of disability. After the initial notification and ensuring continuous notice of the policies and procedures, the School will either e-mail or otherwise disseminate the policies and procedures to School Staff.

**REPORTING REQUIREMENTS:**

- By January 20, 2019, the School will provide OCR with a copy of the training agenda, training materials, list of identified employees to receive the training (by name and title), and identify the trainer and her/his qualifications to provide the training, for OCR's review and approval.
  - Within 60 days of OCR's approval of the training materials and trainer, the School 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.
4. The School will add to its field trip policies the following statement. "Parents of students with a disability will not be required to attend field trips in order to provide accommodations or access to School-sponsored events and field trips.

**REPORTING REQUIREMENTS:**

- By January 20, 2019, the School will submit to OCR for review and approval the School's draft field trip policies (current School policies had parent attendance at field trips in multiple places).
  - Within 60 days of OCR's approval of the notices, the School will adopt, publish, and provide OCR with documentation of the approved field trip policy. Supporting documentation should include 1) weblinks to each place where the notices are posted on the School's website, 2) parent handbook, and 3) other similar documents.
5. The School will train all of its staff that the School, not parents, are required to provide Section 504 or Individualized Education Program plan accommodations at School-sponsored and field trip events. The training will make clear that School staff members must implement students' disability related behavior accommodations contained in IEP and Section 504 plans, and that parent participation will not be required to provide access for students with disabilities participation in School-sponsored events and fieldtrips.

**REPORTING REQUIREMENTS:**

- By January 20, 2019, the School will provide OCR with a copy of the training agenda, training materials, list of identified employees, and identify the trainer and her/his qualifications to provide the training, for OCR's review and approval.
- Within 60 days of OCR's approval of the training material, the School 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.

The School understands that OCR will not close the monitoring of this Agreement until OCR determines that the School has fulfilled the terms of this Agreement in compliance with the regulations implementing Section 504 of the Rehabilitation Act of 1973 at 34 C.F.R. §§ 104.4, 104.7 and 104.8, and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. §§ 35.106, 35.107, and 35.130, which were at issue in 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.

OCR will close the case monitoring when it has determined that the School has met the terms of the Agreement. The School 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 School understands that during the monitoring of the Agreement, if necessary, OCR may, with appropriate notice, visit the School, interview School employees 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 the regulations implementing Section 504 of the Rehabilitation Act of 1973 at 34 C.F.R. §§ 104.4, 104.7 & 104.8, and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. §§ 35.106, 35.107, & 35.130, which were at issue in this case.

For Franklin Phonetic School:

/s/

12/21/2018

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Cindy Franklin  
President

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Date