

**RESOLUTION AGREEMENT**  
**George Gervin Preparatory Academy**  
**OCR Case Number 08-18-1613**

George Gervin Preparatory Academy ("School") enters into this Agreement to resolve an 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 the Office for Civil Rights (OCR) that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 ("Section 504"), as amended, 29 United States Code (U.S.C.) Section 794, and its implementing regulations, at 34 Code of Federal Regulations (C.F.R.) Part 104, and Title II of the Americans with Disabilities Act of 1990 ("Title II"), 42 U.S.C. Section 12131 *et seq.*, and its implementing regulations, 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.

**TERM I:** The School will ensure that its staff does not inquire about whether prospective students have a disability, including whether they have an individualized education program (IEP) or a Section 504 plan.<sup>1</sup>

**Term I Reporting Requirements:**

- A. Within thirty (30) calendar days of this Agreement being signed, the School will submit to OCR for review a revised enrollment packet ("packet"). The revised packet will not ask about whether prospective students have a disability, IEP, or Section 504 plan. The School will promptly and fully address OCR's feedback, if any, until the School receives OCR's final approval of the packet.<sup>2</sup>
- B. Within fifteen (15) calendar days of receiving OCR's final approval of the packet, the School will:
  - i. post the approved packet on its website and remove all previous versions of the packet from the website;
  - ii. submit to OCR a link to the approved packet on the School's website; and
  - iii. provide written assurances to OCR that the approved packet will be provided to students and parents who are given a hard copy of an enrollment packet.

The School will promptly and fully address OCR's concerns, if any, until OCR considers the concerns to be fully resolved.

**TERM II:** The School will remind its staff that they must not discriminate on the basis of disability in admissions and enrollment, including asking whether prospective students have a disability, IEP, or Section 504 plan.

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<sup>1</sup> A recipient is responsible for determining if there are enrolled students with disabilities who are entitled to a free appropriate public education (FAPE). Therefore, after a charter school admits and enrolls a student, a charter school can inquire about a student's disability and request relevant records.

<sup>2</sup> The School will not use any other admissions or enrollment forms.

## **Term II Reporting Requirements:**

- A. Within thirty (30) calendar days of this Agreement being signed, the School will submit to OCR for review a draft memo to be sent to all School staff. The memo will include:
- i. a reminder that the School may not deny, on the basis of disability, a qualified student's enrollment in the School;
  - ii. a directive that, during the application and admission process and before enrollment in the School, staff must not ask, orally or in writing, whether a prospective student has a disability, IEP, or Section 504 plan;
  - iii. notice that the School has a new enrollment packet, which must be used;
  - iv. a directive that staff must read, at a minimum, the questions and answers for numbers sixteen (16) and seventeen (17) in OCR's "FAQs about the Rights of Students with Disabilities in Public Charter Schools under Section 504;" and
  - v. the name, title or position, phone number, and email address for an individual designated to respond to questions or concerns from School staff.

The School will promptly and fully address OCR's feedback, if any, until the School receives OCR's final approval of the memo.

- B. Within ten (10) calendar days of receiving OCR's final approvals of the enrollment packet *and* memo, the School will disseminate the approved memo to all School staff, along with the following attachments:
- i. the revised enrollment packet approved for Term I; and
  - ii. OCR's "FAQs about the Rights of Students with Disabilities in Public Charter Schools under Section 504."
- C. Within ten (10) calendar days of disseminating the approved memo and attachments to all School staff (pursuant to Term II-Reporting Requirement B), the School will submit to OCR documentation showing that it disseminated the memo as required.<sup>3</sup> The School will promptly and fully address OCR's concerns, if any, until OCR considers all concerns to be fully resolved.

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. Sections 100.9-10), or judicial proceedings to enforce this Agreement, OCR will give the School written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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.

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<sup>3</sup> *e.g.*, an email showing the recipients and attachment(s), or a document with signatures from staff attesting to their receipt of the memo and attachments

The School 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 Section 504, Title II, and their implementing regulations.

Upon completion of the obligations under this Agreement, OCR will close this case.

**For the School:**

/s/  
Barbara Hawkins, Superintendent

12/28/18  
Date