In order to resolve the open allegations in Case Number 08-21-1388, filed against Arete Preparatory Academy (Academy) with the Office for Civil Rights (OCR) of the U.S. Department of Education (Department), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 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. §§ 12131–65, and its implementing regulation at 28 C.F.R. Part 35, the Academy agrees to voluntarily implement the following Resolution Agreement (Agreement).

This Agreement shall not in any way be construed as an admission by the Academy that it has acted wrongfully or violated any laws or that OCR made any finding of wrongdoing or legal violation, and the Academy specifically disclaims any liability to or wrongful acts against the Student or any other person.

**Term 1: A Written Plan to Ensure that 504 Plan Accommodations Are Provided**

1. To augment the Academy’s existing Section 504 Policies, the Academy will develop a written plan (Implementation Plan) to ensure that the Academy fulfills its obligation to provide accommodations to students with 504 Plans in accordance with their Plans. The Implementation Plan will include, at a minimum:
   a. identification of the relevant policies and procedures,
   b. the corresponding activities,
   c. the dates for the activities,
   d. the persons responsible for the activities,
   e. and the supporting documentation required of the persons responsible.

**REPORTING REQUIREMENTS:**

Within forty-five (45) calendar days of signing this Agreement, the Academy will develop and submit to OCR for review and approval a draft Implementation Plan in accordance with the terms outlined above.

**Term 2: Training**

2. By June 30, 2022, the Academy will submit training materials to OCR and identify one or more persons knowledgeable about Section 504 and Title II to conduct the training. The training will be provided to the Academy’s Administrators and Teachers, and any other relevant Academy employees as identified by the Academy. The training will include, at a minimum:
   a. A review of the responsibility of the Academy to comply with Section 504 and Title II;
   b. A discussion of the responsibility to provide a free appropriate public education (FAPE), including, but not necessarily limited to, the following:
1. The responsibility to ensure implementation of all accommodations set forth in Section 504 Plans and Individualized Education Programs (IEPs);
2. A discussion that failure to fully implement all accommodations set forth in Section 504 Plans and IEPs could result in a denial of FAPE;
3. The necessity of ensuring that relevant staff members (teachers, paraprofessionals, etc.) are informed about the contents of Section 504 Plans and IEPs and understand what is required and know how to implement the accommodations; and
4. An overview of the Implementation Plan and instructions on how to comply with the Implementation Plan.

c. Information regarding evaluation, placement, and reevaluation requirements pursuant to Section 504 and Title II, including, but not necessarily limited to:
   1. A review of the definitions of “major life activities”;
   2. A review of the requirement for periodic re-evaluation and a discussion that reevaluation may be required before the scheduled review if conditions warrant, or if the student’s parent or teacher requests a re-evaluation;
   3. A review of the requirement that a group of persons knowledgeable about the student and the placement options draw upon information from a variety of sources when making evaluation, placement, and re-evaluation decisions;
   4. A review of the requirement that evaluation, placement, and re-evaluation decisions reflect the decisions of the group; and
   5. A discussion regarding the importance of documenting and carefully considering information from a variety of sources.

d. Information regarding procedural safeguards, including, but not necessarily limited to:
   1. The requirement to notify parents/guardians of any evaluation, reevaluation, or placement decision; and
   2. The requirement that due process procedures allow parents/guardians of students to challenge evaluation, reevaluation, and placement decisions.

e. Information regarding common disabling conditions, including but not necessarily limited to, Attention-deficit/hyperactivity Disorder (ADHD) and Generalized Anxiety Disorder.

REPORTING REQUIREMENTS:

After receiving OCR’s approval of the training materials, the Academy will provide the training. The Academy will provide the training on or before August 15, 2022. The Academy will provide to OCR documentation to demonstrate:

a. The date, time, and location of the training;
   b. The name, title/position, employer and qualifications of the trainer;
   c. Confirmation that the approved trainer(s) delivered the training;
   d. Final agenda and materials from the training;
   e. The names and titles of all staff who attended the training; and
   f. The names and titles of all staff who were required to attend the training, but did not attend, and an explanation of when and how these individuals will receive the required training.
Term 3: Individual Remedy

3. Within forty-five (45) calendar days of this Agreement being signed, the Academy will contact the Complainant in writing and determine whether the Complainant is interested in re-enrolling the Student at the Academy, and, if so, whether the Complainant is interested in convening a Section 504 Team meeting to consider compensatory services for the Student. The letter will contain language approved by OCR regarding the limits of OCR’s jurisdiction around the content of the 504 Plan and content of the curriculum.

If, within thirty (30) days of contact by the Academy, the Complainant confirms interest in re-enrolling the Student, the Student will be enrolled or placed on a waiting list on a first come, first enrolled basis and in accordance with statutory priorities. The Academy will provide timely notice to convene a Section 504 Team meeting to consider compensatory services, following the procedures set forth in the Section 504 regulation at 34 C.F.R. §§ 104.35 and 104.36, to determine what, if any, compensatory services are necessary to provide the Student with FAPE for any failure to provide Section 504 services if any such failures are determined to have occurred.

a. If the Complainant is interested in convening a Section 504 Team meeting for the purpose of determining whether any compensatory services are necessary, at least fifteen (15) calendar days before a meeting, the Academy will invite the Complainant, in writing, to:
   1. Attend the meeting;
   2. Invite other individuals who are knowledgeable about the Student to attend the meeting; and
   3. Share information and their perspectives at the meeting.

b. In the invitation, the Academy will, at a minimum, explain the purpose of the meeting and include an agenda.

c. The Academy will document its invitation to the Complainant and any responses from the Complainant.

d. If the Complainant accepts the Academy’s offer to convene a meeting and also accepts the Academy’s offer to attend the meeting, then the Academy will:
   1. Ensure that the meeting occurs at a date, time, and location that are mutually agreed upon by the Academy and the Complainant.
   2. Take steps to ensure effective communication between the Academy and the Complainant regarding the Student’s educational needs.

e. The Academy will also ensure that any decisions made at the meeting reflect the judgment of the 504 Team.

f. Within ten (10) calendar days after the meeting, the Academy will notify the Complainant, in writing, of the decisions made at the meeting and provide the Complainant with notice of her and the Student’s rights and applicable procedural safeguards under Section 504. If applicable, the Academy will also provide the Complainant with a copy of the plan to provide compensatory services to the Student.
REPORTING REQUIREMENTS:

If the Complainant declines the offer to re-enroll the Student or the offer convene a 504 Team meeting regarding compensatory services, or fails to respond within thirty (30) days of the Academy’s offer to convene a 504 Team meeting, the Academy will send OCR documentation of the following:

a. A copy of all communications between Academy staff and the Complainant related to the offer to re-enroll the Student and, if applicable, related to the 504 Team meeting invitation, including documentation demonstrating that the Complainant:
   1. was invited to re-enroll the Student at the Academy;
   2. if applicable, was invited to participate in the 504 Team meeting and had the opportunity to invite others to attend the meeting and share information and their perspectives during the meeting; and
   3. if applicable, received a copy of the Academy’s applicable procedural safeguards.

If the Complainant accepts the offer to re-enroll the Student at the Academy and to convene a 504 Team meeting regarding compensatory services, within ten (10) business days of the conclusion of the 504 Team meeting, the Academy will send OCR documentation of the following:

a. A copy of all communications between Academy staff and the Complainant related to the 504 Team meeting, including documentation demonstrating that the Complainant:
   1. was invited to participate in the meeting and had the opportunity to invite others to attend the meeting and share information and their perspectives during the meeting.
   2. received a copy of the Academy’s applicable procedural safeguards;
   3. was notified of the Team’s decisions made at the meeting; and
   4. was provided a copy of the plan to provide compensatory services, if applicable.

b. A copy of the 504 Team meeting agenda and list of participants, with each participant’s name and title/position.

c. A copy of minutes or notes from the 504 Team meeting.

d. The name, title/position, employer and qualifications of the facilitator, if one is used.

e. Copies of all documentation considered at the meeting, including all documentation provided to or by the Complainant.

f. Documentation of the 504 Team’s decisions regarding the type and number of hours of compensatory services that the 504 Team determined are appropriate for the Student, if any, and the basis for those decisions.

g. If applicable, documentation that all compensatory services have been offered and/or provided.

The Academy understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the Academy understands that during the monitoring of this Agreement, OCR may visit the Academy, interview staff and students and request such additional reports or data as are necessary for OCR to determine whether the Academy has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II at 34 C.F.R. §104.35; and 28 C.F.R. § 35.130(a). Upon completion of the obligations under this Agreement, OCR shall close this case.
The Academy 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 Academy 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 Academy’s representative below.

For Arete Preparatory Academy:

/s/ Julia Gillingham 3/10/22
Headmaster Date