

**Resolution Agreement
Peabody Charter School
Case Number 09-17-1380**

The Peabody Charter School (School) without admitting to any violation of law, agrees to implement this Resolution Agreement (Agreement) to resolve the compliance concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35, and Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 C.F.R. Part 100, in the above-referenced OCR case number.

I. Equal Access to Grade Level Instruction

- A. The School will draft a memorandum (“Memo”) to fourth-grade¹ staff, parents and guardians to clarify the process that the School is using to ensure equal access to grade level instruction for fourth-grade students which will include the following:
1. The School’s fourth-grade Math and English Language Arts (“ELA”) groups (“Group X” and “Group Y”) will provide grade level instruction to all students. The School does not provide greater access to educational resources or more funding for one group over another.
 2. The methods that the School is using for placing fourth-grade students in a specific group at the beginning of the school year and any re-assessment that will be conducted and the process for conducting such assessments.
 3. The method the School is using for placing transfer fourth-grade students, including any testing or other information relied upon.
 4. The method by which parents may request a change in group placement at any time.
 5. The manner in which the School will identify fourth-grade students who would benefit from placement in Group X for one subject and Group Y for the other subject, and how the School will make the necessary accommodations for a student to participate in both groups.
 6. No group placement decision will be based on race or color.
- B. The School will maintain data on the racial composition of Group X and Group Y and conduct appropriate reviews to ensure that students are not being discriminated against based on race when placed in a specific group. Should the data show statistically significant underrepresentation in Group X or Group Y of a specific racial group, the School will assess the cause of such underrepresentation and, as needed, develop and implement strategies to provide equal educational opportunities.
- C. Reporting Requirements: On or before January 31, 2018, the School will provide OCR with a copy of the memo for review and approval. By February 15, 2018, the School will provide documentation that it was distributed to fourth-grade staff, parents and guardians. On or before June 29, 2018, the School will provide OCR with 1). the number of students in Group X and Group Y for fourth-grade for the 2017-2018 school year and the race and/or national origin of such students; 2). an analysis evaluating whether or not there are any racial disparities based on race or national origin within Group X and Group Y, and if so, the School’s assessment of the cause of any such disparities and any plans to address such disparities, to the extent they are based on race or national origin.

¹ OCR understands that only the fourth grade at the School uses the Group X and Group Y designations for ELA and Math; Thus, the fourth grade focus of this Agreement.

II. Training

- A. The School will provide training to administrators and fourth-grade teachers on Section 504 Plan implementation, discrimination under Title VI, and how to prevent and respond to harassment on the basis of disability. The training will include:
1. Information about the School's policy and procedures related to the provision of special education, related services and accommodations and how to provide a nondiscriminatory education environment.
 2. Examples of prohibited conduct.
 3. The name and contact information of the individual(s) to whom complaints about discrimination on the basis of disability or race should be directed.
- B. Reporting Requirements: On or before January 31, 2018, the School will provide OCR with the proposed training and the qualifications of the individual or individuals proposed to provide the training for review and approval. If OCR conducts the training, the School does not need to report this item. On or before June 29, 2018, the School will provide OCR with documentation that this training was completed, including information about the number of participants and their titles (for example, principal, teacher, staff etc.). If OCR conducts the training, the School does not need to report this item.

III. Individual Remedy

- A. To avoid further confusion between the School and Complainant, the School will draft a letter to the Complainant which will state that, should the Student return to the School, the School will:
1. Follow its nondiscrimination and Section 504 policy when supporting the Student.
 2. Implement Student's Section 504 plan and ensure the provision of all parent rights under the Section 504 procedural safeguards.
3. Provide an assistive technology ("AT") training for all staff that work with the Student.
- B. Reporting Requirements: On or before January 31, 2018, the School will provide OCR with a copy of the letter and confirmation that the letter has been provided to the Complainant.

The School understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the School understands that during the monitoring of this Agreement, OCR may visit the recipient, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms of this Agreement and is in compliance with Section 504, Title II, Title VI and the implementing regulations, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss the 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.

_____/s/_____
Demian Barnett, Principal

_____12/11/2017_____
Date