

**Alan Rowe College Preparatory
Resolution Agreement
Case No. 09-22-1210**

Alan Rowe College Preparatory (the School) agrees to implement this Resolution Agreement (Agreement) to resolve the violations identified by the U.S. Department of Education, Office for Civil Rights (OCR), pursuant to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104 (Section 504), and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131-12134, and its implementing regulation, 28 C.F.R. Part 35 (Title II) in the above-referenced OCR case number.

I. Revision of Policies

- A. By August 25, 2023, the School will revise its Section 504 policies and procedures for identifying and evaluating a student with a disability to be consistent with the legal standards under Section 504 and Title II. The revisions will include the following:
- a. The definition of disability consistent with Section 504 and Title II and an explanation of “substantially limits.” This explanation will state that an impairment need not prevent or severely restrict a major life activity to be considered substantially limiting.
 - b. An explanation that the determination of whether an individual has a disability should not solely rely on grades and or absences.
 - c. A statement that the District will evaluate any student who, because of disability, needs or is believed to need regular or special education and/or related aids and services.
 - d. A description of the District’s process for ensuring that information obtained from all sources is documented and carefully considered.
- B. The School will review all publications (including Parent/Student handbooks) regarding special education to ensure that the publications do not contain information that may be inconsistent with Section 504 and Title II.

Reporting Requirement:

By August 1, 2023, the School will provide OCR with a proposed revised policy for its review and approval. Within 30 days of the revised policy’s approval by the School’s governing board, the School will provide evidence that it has published the revised policy on its web site and that it has notified relevant staff and parents about the policy change.

II. Written Guidance and Training of School Staff

- A. The School will issue a written guidance memorandum and facilitate training for its administrators, staff, and faculty who have responsibility for responding to concerns regarding the evaluation and placement of students with disabilities who may be eligible for Individualized Education Plans (IEPs) or Section 504 plans. The memorandum and training will address the School's obligations under Section 504 and Title II, including:
- a. Evaluation and placement procedures under Section 504 if the School suspects or has reason to suspect that the student needs or may need special education or related services due to a disability, and provide procedural safeguards to students' parents/guardians;
 - b. Examples of physical or mental impairments that may substantially limit a major life activity;
 - c. A description of the full range of services that can be provided under Section 504, including special education and related aids and services and examples of individual circumstances where special education and related services under Section 504 (with special education personnel) may be appropriate, including numerous absences; and
 - d. An explanation of the process in place for administering students' asthma medication.

Reporting Requirements:

By August 25, 2023, the School will submit for OCR review and approval, a draft guidance memorandum. Upon OCR review and approval, the School will distribute the final guidance memorandum, and submit documentation to OCR confirming distribution of the memorandum specified in Section II.A. of this Agreement.

By August 1, 2023, the School will submit for OCR, review and approval, a written description of the proposed training, including the name(s) and title(s) and or position(s) of the School employees who will receive the training and the name(s) and qualifications of the proposed trainer(s). Within 30 days of OCR's approval, the School will provide the required training and submit documentation (including a sign-up sheet or other evidence of attendance by name and title) to OCR confirming the completion of training specified in Section II.A. of this Agreement.

III. Self-Monitoring Assessments and Review

- A. For two semesters following the execution of this Agreement, the School will engage in self-monitoring assessments, whereby it will provide to OCR a spreadsheet or a summary of requests from students and or parents for School personnel to administer and / or monitor student administration of asthma medication and how each request was handled, including: (1) date of request; (2) the requested dosage; (3) the School employee tasked with providing and or supervising the student's self-medication; (4)

whether the student has an IEP or Section 504 Plan regarding asthma medications, and if not, an explanation for that determination; and (5) the date of the response.

In addition, the School will address, in writing, any concerns or issues it has identified in its self-monitoring assessment with respect to the provision of administration and / or monitoring of asthma medication that may require revisions to practices or procedures or other changes or training, along with a proposed plan and timeline for addressing the concerns or issues for OCR review and approval.

Reporting Requirement:

Within 4 weeks of concluding a semester, the School will provide the spreadsheet and/or summary for the concluded semester, along with a self-monitoring assessment report identifying any concerns as described above. The School will provide OCR additional information and documents as requested by OCR. If, after OCR's review, OCR determines that any additional revisions to practices or procedures or other changes or training are necessary, OCR will discuss with the School a proposal for corrective action.

IV. Compensatory Education

- A. By August 25, 2023, after providing proper written notice to the Student's parent/guardian, a group of knowledgeable persons, including the parent/guardian, will determine whether the Student needs compensatory and/or remedial services as a result of the School's failure to provide appropriate regular and/or special education or related services from [redacted content], 2022. If so, within one week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond December 31, 2023. The School will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

Within two weeks of the decision as to whether compensatory and/or remedial services are needed, the School will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, the information considered, an explanation for decisions made, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the School's decision and plan for providing the proposed services, review the documentation to ensure that the School met the requirements of the regulations implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, and, as applicable, Title II, at 28 C.F.R. § 35.160, in making these determinations.

By December 31, 2023, the School will provide documentation to OCR of the dates, times and locations that any compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

V. Monitoring

By signing the Agreement, the School agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. During the monitoring of the 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 and obligations of the Agreement.

The School understands and acknowledges that OCR will not close the monitoring of the Agreement until such time as OCR determines that the School is in compliance with the terms of the Agreement and the statutes and regulations at issue in the case.

The School understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms of the resolution agreement and the applicable statutes and regulations. Before initiating such proceedings, OCR will give the School written notice of the alleged breach and 60 calendar days to cure the alleged breach.

_____/s/_____

Michelle Grace,
Chief Operating Officer
Fortune School of Education

____06/30/2023_____

Date