

RESOLUTION AGREEMENT Somerset  
Prep DC Public Charter School  
OCR Complaint Nos. 11-14-1021 & 11-14-1040

Somerset Prep DC Public Charter School (the School) agrees to fully implement this Resolution Agreement (the Agreement) to resolve Office for Civil Rights (OCR) Case Nos. 11-14-1021 and 11-14-1040. This Agreement does not constitute an admission by the School of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), Title IX of the Education Amendments of 1972 (Title IX), or any other law enforced by OCR.

## COMMITMENTS

### Training

1. By February 15, 2015, the School will contact OCR to schedule training for relevant School personnel, which will include all personnel responsible for developing students' Section 504 plans, individualized education programs (IEPs), and any other individualized plan that serves students with disabilities. The training will take place prior to the end of the 2014-2015 school year and will address the requirement under the Section 504 regulation, at 34 C.F.R. § 104.33, for the School to provide a FAPE to each qualified individual with a disability. The obligation to provide a FAPE includes, but is not limited to, implementation of Section 504 Plans and IEPs and the requirement to re-evaluate students after there has been a significant change in placement (e.g., ten or more days of out of school suspension).

### Section 504

2. By January 30, 2015, after providing proper written notice to the students' parents/guardians, the School will convene a meeting for each student identified as a student with a disability who, for the 2013-2014 school year, received services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act (Section 504). The meeting should include persons knowledgeable about the students and the meaning of the evaluation data and placement options. At each meeting, the team must determine what compensatory and/or remedial services are necessary for the time period of August 26, 2013 to October 24 2013, when the students may not have received appropriate regular and/or special education or related services. Additionally, for each student the team will also determine whether the students' IEPs were consistently implemented from October 24, 2013 until the end of the 2013-2014 school year. If the team makes a determination that services were not consistently implemented the team will determine whether compensatory and/or remedial services are necessary.

When determining compensatory and/or remedial services, the completion date of said services shall not extend beyond the start of the 2015-2016 school year. Additionally, the School will provide each student's parents/guardians notice of the

procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

3. By January 30, 2015, after providing proper written notice to the students' parents/guardians, the School will convene a meeting for each student identified as a student with a disability who, for the 2013-2014 school year, received services under the IDEA or Section 504. The meeting should include persons knowledgeable about the student, the meaning of the evaluation data and placement options. At each meeting, the team must determine:
  - a. Whether any student received disciplinary action due to any failure to implement the student's individualized plan (i.e. Section 504 Plan and/or IEP);
  - b. The number of days that each student received out of school suspensions during the 2013-2014 school year. If a student received ten or more days of out of school suspension during the 2013-2014 school year, either as a result of a long term suspension or a series of short term suspensions, the group will evaluate the student to determine whether the out of school suspension which resulted in a removal in excess of ten or more days was a manifestation of the student's disability;
  - c. Whether a student is due any compensatory and/or remedial services for any disciplinary action that was due to the School's failure to consistently implement the student's individualized plan. If the group or team of knowledgeable persons determines that the student is due compensatory and/or remedial services, the group must also determine the amount and type of compensatory and/or remedial services due the student and the time and location at which the services will be provided.
4. By January 30, 2015, the School will review and revise, as necessary, each student's disciplinary record for whom the determination was made that the behavior that resulted in a removal was a manifestation of the student's disability and remove any disciplinary actions from the student's records if it is also determined that the disciplinary actions were the result of the School's failure to consistently implement the student's IEP.

In making the above determinations, the School will ensure that it draws on all available and relevant information from a variety of sources; that this information is documented and carefully considered; and that the decision is made by a group or team of people knowledgeable about the student, their disability, the meaning of any evaluation data, and placement options. The School must also provide the student's parents/guardians with notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.P.R. § 104.36.

### **Reporting Requirements**

- a. Within one week of the meeting, the School will submit to OCR a copy of, meeting minutes or similar documentation from the meetings referenced in Commitment 2 above; including an explanation for decisions made, and a description of and schedule for providing compensatory and/or remedial services (if any) to a student and the notice of due process. OCR will review the documentation submitted to ensure that the School met the procedural and other requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.
- b. By March 30, 2015, the School will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, if any, a description of what was provided, and the name(s) of the service provider(s).

### **Grievance Procedures**

5. By December 31, 2014, the School will submit to OCR for its review and approval, draft Section 504 and Title IX Grievance Procedure(s). The Grievance Procedure(s) will provide for the prompt and equitable response to, and resolution of, complaints alleging disability and sex discrimination and harassment, and will include:
  - a. Notice that the Grievance Procedure(s) apply to complaints alleging disability and sex discrimination (including sexual harassment such as sexual assault and sexual violence and disability harassment) by employees, students, and all third parties;
  - b. The name or title, office address, and telephone number of the individual(s) with whom to file a complaint;
  - c. Provisions to indicate that the School has an obligation to make reasonable efforts to investigate and address instances of sex and disability discrimination when it knows or should have known about such instances, regardless of the student's cooperation and involvement;
  - d. Provisions for the adequate, reliable, and impartial investigation of all complaints, including the opportunity for the parties to present witnesses and other evidence;
  - e. Designated and reasonably prompt timeframes for the major stages of the investigation;
  - f. An assurance that the School will keep the complaint and investigation confidential to the extent possible; and
  - g. Written notification to the parties of the outcome of the complaint

6. After receiving written notification from OCR that the revised Grievance Procedure(s) developed in accordance with item #4 above are consistent with requirements, the School will adopt and implement the Grievance Procedures and Policy and will provide all students and employees with electronic or written notice regarding the new Grievance Procedure and Policy together with information on how to obtain a copy. The School, at a minimum, will make this notification through the School's website, electronic mail messages to employees and students, as well as by any other additional means of notification the School deems effective to ensure that the information is widely disseminated.

#### **Reporting Requirements**

- a. By December 31, 2014, the School will submit to OCR for its review and approval the Grievance Procedures and the Policy referenced in item #4 above.
  - b. Within 45 calendar days after OCR's approval of the Grievance Procedure(s), the School will provide OCR with documentation that it has implemented item #5 above, including copies of the written notices issued to students and employees regarding the new Grievance Procedure(s), and a description of how the notices were distributed; copies of its revised student and employee handbooks beginning with the 2014 -2015 school year; and a link to its webpage where the revised Grievance Procedure(s) are located.
7. The School will submit to OCR for review a notice of nondiscrimination which will notify students, parents, employees, and other relevant persons that it does not discriminate on the basis of sex and disability in the education programs or activities that it operates and that it is required by Title IX and Section 504 not to discriminate in such a manner. The notice shall state that inquiries concerning the application of Title IX and Section 504 may be referred to the Title IX and Section 504 Coordinators. The notice shall include the name or title, office address, and telephone number for the School's Title IX and Section 504 Coordinators. The School will widely publish this notice in a variety of publications, including for example the School's website, student handbook, pamphlets, and other publications otherwise used in connection with the recruitment of students or employees.

#### **Reporting Requirement**

By January 30, 2015, the School will provide OCR with a copy of the School's notice of nondiscrimination referenced in this item for its review.

Within 45 calendar days of written notification from OCR that the School's notice of nondiscrimination complies with Title IX and Section 504, the School will ensure that each of its electronic and printed publications of general distribution that , including for example the School's website, student handbook, pamphlets, and other publications otherwise used in connection with the recruitment of students or

employees contain the notice of nondiscrimination. Inserts may be used pending reprints of these publications.

**Reporting Requirement:** Within 45 calendar days of the completion of this item, the School will provide OCR with documentation that it has implemented this item, including copies of any printed publications, and web links to any electronic publications containing the notice.

The School understands that OCR will not close monitoring of this agreement until OCR determines that the School has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, Title II, and Title IX, which were at issue in the complaints.

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 this agreement, if necessary, OCR may visit the School, interview staff and groups of students, and request such additional reports or data as are necessary for OCR to determine that the School has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, Title II and Title IX, which were at issue in the complaints.

The School understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (24 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 a minimum of sixty (60) calendar days to cure the alleged breach.

/s/  
Signature

12/17/2014  
/Date