

RESOLUTION AGREEMENT
The Exploris School
OCR Complaint No. 11-18-1214

The Exploris School (the School) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-18-1214. 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), or any other law enforced by OCR.

Action Item A: The Complainant

By April 30, 2019, the School will prepare and provide a neutral reference letter for the Complainant for employment. The letter will provide the information necessary for a potential employer (i.e. dates of employment, positions held, etc.). The letter will be signed by the School's Executive Director.

Reporting Requirements:

- a. By March 30, 2019, the School will submit a draft of the reference letter to OCR for its review and approval.
- b. By May 15, 2019, the School will submit documentation that the letter was sent to the Complainant.

Action Item B: Disability-Based Retaliation Training

By September 30, 2019, the School will provide training to all School administrators and personnel, to include the School's Board of Directors, on the prohibitions against disability-related retaliation under Section 504 and Title II.¹ The training will include a discussion of: (a) examples of what constitutes a protected activity, including but not limited to advocacy on behalf of students with respect to disability; (b) the prohibition on adverse actions in response to those protected activities; (c) recognizing acts of retaliation and intimidation; and (d) their effects on individuals who engaged in protected activities.

Reporting Requirements:

- a. By July 15, 2019, the School will submit for OCR's review and approval the proposed training materials as described in Action Item B above. The School will also identify the individual(s) who will conduct the training and their qualifications.

¹ Specifically, the Section 504 regulation, at 34 C.F.R. § 104.61, incorporating the procedural provisions of the regulation implementing Title VI of the Civil Rights Act of 1964, prohibits retaliation against any individual who asserts rights or privileges under Section 504 or who files a complaint, testifies, assists, or participates in a proceeding under Section 504. The Title II regulation, at 28 C.F.R. § 35.134, contains a similar prohibition against retaliation.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

- b. Within 40 calendar days of written notification from OCR of its approval of the training, the School will provide written documentation to OCR demonstrating that the training was provided consistent with Action Item B above, including the following:
 - i. The name(s) of the individual(s) who conducted the training;
 - ii. A list of the individuals who attended the training and their positions;
 - iii. The date(s) the training was conducted; and
 - iv. Copies of any training materials disseminated.

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 the Agreement. Further, 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. Upon the School's satisfaction of the commitments made under this Agreement, OCR will close this 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 will give the School written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By: _____ Date: 3/11/19
Ellie Schollmeyer
Executive Director (or Designee)
The Exploris School