

**RESOLUTION AGREEMENT**  
**Excelsior Classical Academy**  
**OCR Complaint No. 11-18-1493**

Excelsior Classical Academy (the Academy) agrees to fully implement this Resolution Agreement (Agreement) to resolve the allegation(s) investigated in Office for Civil Rights (OCR) Complaint No. 11-18-1493. This Agreement does not constitute an admission of liability, noncompliance, or wrongdoing by the Academy. The Academy assures OCR that it will take the following actions to comply with the requirements of 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 - 12134, and its implementing regulation at 28 C.F.R. Part 35. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance, and Title II prohibits discrimination on the basis of disability by public entities.

The Academy agrees to the following:

**Action Item #1**

By January 15, 2020, the Academy will review and revise its restraint and seclusion policies and procedures (e.g. Seclusion and Restraint in North Carolina Schools and the ECA Restraint Documentation Form) to ensure all students with disabilities are provided a free appropriate public education (FAPE). The Academy's restraint and seclusion policy will require adequate record-keeping requirements to properly document all incidents of student restraint and seclusion. At a minimum the Academy's policy will require staff to ensure that each restraint/seclusion incident is properly documented. The documentation will require staff to document parental notification, detail the student's conduct and the surrounding circumstances that necessitated the restraint/seclusion, a description of the techniques used to de-escalate the situation prior to using restraint/seclusion, a description of the restraint/seclusion, the length in time of the restraint/seclusion, the names and titles of the individuals involved, and a description of all actions taken by staff after the restraint/seclusion (for example, disciplinary action, a debriefing meeting with staff and/or parent, and/or an IEP team meeting to discuss the Student's to consider services and/or placement).

**Reporting Requirements:** By January 15, 2020, the Academy will provide OCR a copy of any policies and or documents (e.g., forms) pertaining to Action Item #1.

**Action Item #2**

By January 15, 2020, the Academy will develop and implement a tracking and monitoring system for incidents involving the use of restraint and seclusion incidents.

**Reporting Requirements:** By January 15, 2020, the Academy will provide OCR documentation pertaining to Action Item #2.

**Action Item #3**

By February 15, 2020, the Academy will provide training to administrators, teachers, and staff. The training will cover the requirement to provide students with disabilities a free, appropriate public education (FAPE) under Section 504; including exclusion from participation in or denial of benefits, use of restraint and seclusion; and failure to re-evaluate. The training will emphasize the Academy's obligations under Section 504 (and its implementing regulation at 34 C.F.R. 104.35) to evaluate or re-evaluate students who, because of disability, need or are believed to need special education or related services and seclusion.

**Reporting Requirements:** By February 28, 2020, the Academy will provide OCR documentation demonstrating the provision of the training above, including: (1) the names and titles of the individuals who attended the training session(s); (2), the date(s) the training session(s) occurred; (3) a copy of all training materials, including agendas and handouts; and (4) the name(s) of the individual(s) who conducted the training sessions(s).

**Action Item #4**

By February 28, 2020, the Academy's Section 504 Coordinator will provide training to administrators, teachers, and any individuals who are responsible for implementing the Academy's Section 504 grievance procedures on the Academy's Section 504 grievance procedure. The training will address, at a minimum, the process for filing and investigating complaints under the grievance procedure, including how to conduct and document an investigation, and information about the types of discrimination complaints that may be resolved under the procedure. The training will cover the Academy's obligation under Section 504 to conduct a prompt and equitable investigation of any disability-related grievances.

**Reporting Requirements:** By March 15, 2020, the Academy will provide OCR documentation demonstrating the provision of the training above, including: (1) the names and titles of the individuals who attended the training session(s); (2), the date(s) the training sessions (s) occurred; (3) a copy of all training materials, including agendas and handouts; and (4) the name(s) of the individual(s) who conducted the training sessions(s).

**Action Item #5**

By January 1, 2020, the Academy will review its library policies and procedures to ensure the policies and procedures are implemented in a non-discriminatory manner.

**Reporting Requirements:** By January 15, 2020, the Academy will notify OCR of its completion of Action Item #5, including any steps taken to ensure its policies and procedures do not discriminate against students with disabilities.

**Action Item #6**

By February 15, 2020, after providing proper notice to the Complainant, the Academy will offer the Complainant an opportunity to meet with Academy staff to discuss the restraint and seclusion incidents and her grievance. If the Complainant agrees to meet, the Academy will convene a group of persons knowledgeable about the Student (e.g., the Complainant, the Student's former teacher, individuals from the Student's current IEP team, the Student's therapists, etc.), the evaluation data, and the placement options to determine whether the Student is entitled to compensatory education or remedial services due to OCR's determination that he was denied a FAPE during the spring of 2018 when Academy staff failed to reevaluate the Student. The group will consider the Academy's use of restraints and seclusions on the Student and frequent removal of the Student from the classroom, along with any cumulative effects on the Student. The group will also discuss the Complainant's grievance to determine whether she would like the Academy to re-investigate her allegations.

**Reporting Requirements:** By February 28, 2020, the Academy will provide OCR documentation demonstrating its implementation of Action Item #6. Specifically, the Academy will provide OCR a copy of the letter sent to the Complainant and the Student's current school district regarding the meeting, as well as a written copy of the group's determination. The Academy will also provide a list of participants (by name and title) and the meeting summary notes.

If warranted, by April 1, 2020, the Academy will provide documentation to OCR demonstrating that it has provided the compensatory services and/or remedial measures that the group determined necessary. To the extent applicable, the documentation should include the dates, times, and services that were provided and the name(s) of the service provider(s).

The Academy 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 Academy understands that during the monitoring of this Agreement, if necessary, 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 and obligations of this Agreement. Upon the Academy's satisfaction of the commitments made under this Agreement, OCR will close this case.

The Academy understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the Academy written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Cynthia Gadol, Executive Director December 12, 2019