

RESOLUTION AGREEMENT

Sugar Creek Charter School OCR Case No. 11-22-1248

Sugar Creek Charter School (the School) agrees to fully implement this Resolution Agreement to resolve the allegations investigated by the U.S. Department of Education, Office for Civil Rights (OCR), Case No. 11-22-1248. This Agreement does not constitute an admission by the School of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

Action Item 1 – Training on Section 504 and Title II

The School will provide training to all staff and administrators at Sugar Creek Charter School on the requirements of Section 504 and Title II. The training will emphasize (1) the School's obligations to reevaluate a student when there is information suggesting that the student's educational program is not meeting the student's individual needs, such as a significant decline in the student's behavior, and (2) the School's obligation to establish and implement a system of procedural safeguards that includes notice to parents explaining any evaluation and placement decisions affecting their children and explaining the parents' right to review educational records and appeal any decision regarding evaluation and placement through an impartial hearing.

Reporting Requirements:

- a. By June 1, 2023, the School will submit to OCR, for OCR's review and approval, a copy of the proposed training materials, and the name(s), position title(s), and qualifications of the individual(s) who will conduct the training.
- b. Within 14 calendar days of receiving OCR's approval, the School will conduct the training and provide verification to OCR, including: (a) the name of the individual(s) who conducted the training; (b) the date(s) of the training session(s); (c) all training materials; and (d) a sign-in sheet with the names, signatures, and position titles of the School personnel who participated in each training session.

Action Item 2 – Training on retaliation

By June 30, 2023, the School will ensure that training is provided to all staff, administrators, and board members at the School on unlawful retaliation against those engaging in a civil rights-related protected activity, including advocacy under Section 504 and Title II. The School may request that OCR provide the training. This training will include, but not be limited to, the following:

- (1) Explain that Section 504 and Title II and their respective implementing regulations, prohibit retaliation against individuals who take action to assert the rights of parents, students, and others to be free from discrimination based on disability.
- (2) Explain that retaliation against those engaging in protected activities is unlawful and prohibited by Federal law.
- (3) Clarify that parents, students, and others can engage in specific activities that are protected from retaliation by Federal civil rights laws.
- (4) Provide examples of a protected activity.
- (5) Provide examples of actions that may be considered retaliatory in nature (i.e., adverse actions).

- (6) Provide contact information for individuals to file complaints with the School or OCR.

Reporting Requirements:

- a. By May 15, 2023, the School will submit to OCR, for OCR's review and approval, a copy of the proposed training materials and the name(s), position title(s), and qualifications of the individual(s) who will conduct the training. If the School requests that OCR provide the training, the training materials do not need to be provided.
- b. Within 14 calendar days of receiving OCR's approval, the School will provide OCR with documentation confirming the completion of the training, including: (a) the name of the individual(s) who conducted the training; (b) the date(s) of the training session(s); and (c) a sign-in sheet with the names, signatures, and position titles of the School's personnel who participated in the training session. If the School requests that OCR provide the training, only a sign-in sheet with the School personnel that attended the training will be required.

Action Item 3 -- Student Record

The School will send the Complainant a letter, both by email and regular mail, informing her that she may request that the School change the Student's academic record to reflect that the Student withdrew from the School instead of the current record that states that the School excluded the Student for the 2021-2022 school year. The written notice will advise the Complainant that she has 30 calendar days from the date of the letter/email to request the change of the Student's record. Within a week of the Complainant's request, the School will change the Student's academic record as necessary to reflect that the Student withdrew from the School.

Reporting Requirements:

- a. By May 1, 2023, the School will provide OCR a copy of the letter and email correspondence sent to the Complainant with the offer.
- b. By May 15, 2023, the School will inform OCR as to whether the Complainant responded to the School's offer to remove the exclusion from the Student's transcript for the 2021-2022 school year. If the Complainant declines the request or fails to respond to the School's letter offering to adjust the Student's academic record within 30 calendar days, the School will have no obligations under this provision.
- c. If the offer to change the Student's transcript to reflect a withdrawal instead of an exclusion is accepted by the Complainant, the School will provide OCR by May 17, 2023 with a corrected copy of the Student's academic record and notification provided to the Complainant that the record has been changed.

Action Item 4 – Compensatory Services

After providing proper written notice to the Student's parent/guardian, the School will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the parent/guardian, to discuss whether the Student needed any additional or different related aids and services for the period between on or about XXXXXX and, if so whether the School's failure to provide such related aids and services resulted in the need for compensatory and/or remedial services to the Student. If the group determines that the Student needs such services, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 1, 2023. The School will provide the Student's parent/guardian with written notice of the outcome of the meeting, including an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to the Student, and notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

- a. By May 15, 2023, the School will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to the Student, and a list of meeting attendees. The School will also submit to OCR a copy of the written invitation to the Student's parent/guardian and a copy of the notice of the outcome of the meeting that was provided to the Student's parent/guardian. 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 June 15, 2023, the School will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

Action Item 5 – Notice of Procedural Safeguards

The School will provide the Complainant with a letter and/or email stating that as part of its XXXXX Manifestation Determination Review of the Student, it failed to provide her with notice of her procedural safeguards, including her right to file an impartial hearing if she disagreed with their determination. The letter/email will also attach a copy of her procedural safeguards.

Additionally, the School will ensure that a copy of its Notice of Procedural Safeguards is publicly available on its website.

Reporting Requirements:

- a. By May 1, 2023, the School will provide OCR a copy of the letter and/or email correspondence sent to the Complainant, as well as all attachments.
- b. By May 1, 2023, the School will provide OCR with evidence that its Notice of Procedural Safeguards is publicly available on its website.

By signing this Agreement, the School is to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. 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 District has fulfilled the terms of this Agreement.

The School understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the School is in compliance with the terms of the Agreement and with Section 504 and its implementing regulation at 34 C.F.R. Part 104, Title II and its implementing regulation at 28 C.F.R. Part 35.

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

By: _____
XXXXXXXXXXXX
Sugar Creek Charter School XXXXXX

Date: _____
April 19, 2023