

RESOLUTION AGREEMENT

[redacted content]

OCR Case No. 11-23-1430

[redacted content] (the Academy) agrees to fully implement this Resolution Agreement to resolve the allegations investigated in Office for Civil Rights (OCR) Case No. 11-23-1430. This Agreement does not constitute an admission by the Academy 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 1 – Policies and Procedures

- a. The Academy will take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees of the identity of a responsible employee designated pursuant to the Section 504 regulation, consistent with 34 C.F.R. § 104.8(a).
- b. The Academy will adopt and publish grievance procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging violations of Section 504.
- c. The Academy will adopt and implement, with respect to actions regarding the identification, evaluation, or educational placement of students with disabilities, a system of procedural safeguards that includes notice, an opportunity for parents to examine relevant records, an impartial hearing with an opportunity for participation by parents and representation by counsel, and a review procedure.

Reporting Requirements:

- a. By November 15, 2023, the Academy will provide evidence indicating that participants, beneficiaries, applicants, and employees have been put on notice of the identity of a responsible employee designated pursuant to the Section 504 regulation.
- b. By November 15, 2023, the Academy will submit to OCR, for OCR's review and approval, a copy of its proposed grievance procedures and procedural safeguards.
- c. Within 20 calendar days of receiving OCR's approval, the Academy will provide documentation to OCR indicating where the grievance procedures are published, and how parents are provided access to its notice of procedural safeguards. The Academy will also provide evidence to OCR that it has provided a copy of its notice of procedural safeguards via letter or email to every parent or guardian of a current student at the Academy who has been evaluated by the Academy, including parents/guardians of all students with Section 504 Plans or IEPs.

Action Item 2 – Training

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Within 60 calendar days of receiving OCR's approval for the revised grievance procedures and procedural safeguards as described in Action Item 2, the Academy will provide training to its Principal, Assistant Principal, School Counselor, Dean of Students, all instructional staff within the Academy's [redacted content], and any other staff member with involvement in Section 504 grievances or the provision of FAPE regarding Section 504 at the administrative level or within the [redacted content]. The Academy will ensure that the training will include, at a minimum, the following topics:

- i. The Academy's obligation to identify and evaluate students with a disability within its jurisdiction in a timely manner;
- ii. Factors which might put the Academy on notice that a student may require special education or related aids and services in order to access their FAPE, including but not limited to student attendance;
- iii. The Academy's revised notice of procedural safeguards and grievance procedures.

Reporting Requirements:

- a. Within 30 days of receiving OCR's approval for the revised procedures described in Action Item 2, the Academy 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. After the Academy has conducted its training, the Academy shall 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 Academy personnel who participated in each training session.

By signing this Agreement, the Academy agrees 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 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 of this Agreement.

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

The Academy 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 Academy written notice of the alleged breach and 60 calendar days to cure the alleged breach.

By: _____ Date: 11/14/2023
[redacted content]
[redacted content]