

**E Prep Cliffs
Resolution Agreement
OCR Docket #15-23-1291**

[redacted content] (the School) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and ensuring compliance with Section 504 of the Rehabilitation Act of 1973, 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, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

The School agrees to take the following actions:

1. By **September 30, 2023**, the School will send a letter to the Student's parent stating that, [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content], the School will convene a group of persons knowledgeable about the Student, the meaning of the evaluation data, and the placement options (the Team), as required by the Section 504 regulation at 34 C.F.R. § 104.35, to evaluate the Student's eligibility for a Section 504 plan and to consider whether the Student requires any compensatory education for the [redacted content] [redacted content] [redacted content], [redacted content].

Reporting Requirements: By **August 15, 2023**, the School will provide OCR with a draft of the letter required by Action Step 1. Within 15 days of OCR's approval of the letter, the School will provide OCR with a copy of the letter sent to the Student's parent.

2. By **September 30, 2023**, the School will review its procedures for the identification, evaluation, and placement of students who the School knows or has reason to suspect have a mental or physical impairment that substantially limits a major life activity, as well as required procedural safeguards. The procedures will comply with the regulation implementing Section 504, including at 34 C.F.R. §§ 104.3 (definitions), 104.35 (evaluation), and 104.36 (procedural safeguards), and with Title II, as amended by the ADA.

Reporting Requirement: By **September 30, 2023**, the School will submit for OCR's review and approval a copy of its revised procedures.

Within 60 calendar days of OCR's approval of the revised procedures, the School will adopt the revised procedures and submit documentation to OCR sufficient to demonstrate the adoption of the procedures, including copies of the notices issued to staff, administrators, and parents/guardians and the link to the procedures on the School's website.

3. By **December 15, 2023**, the School will provide training by a competent authority on Section 504 and Title II on the School's obligations to students with disabilities under

Section 504 and Title II. The School will provide this training to, at a minimum, the principal of the School, the Section 504 coordinator, and any School staff at with responsibility for evaluating and determining the placement of students under Section 504. The training will address, at a minimum, Section 504’s prohibition of discrimination against students with disabilities at 34 C.F.R. § 104.4, Section 504’s FAPE requirement at 34 C.F.R. § 104.33 and the procedural requirements as set forth in § 34 C.F.R. 104.36.

Reporting Requirement: By **October 30, 2023**, the School will submit for OCR’s review and approval a copy of its proposed training materials to implement Item 2, along with the name and qualifications of the proposed trainer demonstrating that he/she is a competent authority on Section 504. Within 30 calendar days after OCR’s approval of the training materials and trainer qualifications, the School will provide OCR with documentation showing that Item 2 has been implemented. The documentation will include information about the date of the training, copies of the agenda and any training materials distributed, and a copy of the sign-in sheets of attendees, indicating name and job title.

General Requirements

The School understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or Section 504 and Title II and their implementing regulations, 34 C.F.R. Part 104 and 28 C.F.R. Part 35. Before initiating such proceedings, OCR will give the School written notice of the alleged breach and 60 calendar days to cure the alleged breach.

The School understands that OCR will not close the monitoring of this Agreement until OCR determines that the School has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and Title II, which were at issue in this complaint.

The Agreement will become effective immediately upon the signature of the School’s representative below.

/s/

07/28/2023

Superintendent or Designee

Date