Resolution Agreement
BASIS DC Charter School
OCR Complaint Nos. 11-13-1119; 11-13-1140

BASIS DC Public Charter School (the School) agrees to fully implement this resolution agreement (Agreement) to resolve three of the allegations in Office for Civil Rights (OCR) Complaint Nos. 11-13-1119 and 11-13-1140. Resolution of these issues does not indicate that the School is in compliance with Title VI, Section 504 of the Rehabilitation Act, or Title II of the Americans with Disabilities Act regarding any issues still under investigation. This Agreement does not constitute an admission by the School that it agrees with the outcome of OCR's investigation of the Complaints referenced herein. 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 VI of the Civil Rights Act of 1964, or any other local or federal law.

I. ELL PROVISIONS

A. The School will review and revise all its publications related to registration and enrollment to make sure they do not have a chilling effect on the willingness of parents/guardians to enroll their children. The School will specifically ensure that registration and enrollment forms shall not elicit or include any information regarding the immigration or citizenship status of a student, parent, or guardian.

REPORTING REQUIREMENT: By **November 15, 2013**, the School will provide OCR a copy of all revised registration forms, documents, and publications related to student registration and enrollment for OCR's review and approval. Within **10** business days of the School's submission of its revised registration forms, documents, and publications related to student registration and enrollment, OCR will review the documents provided and will respond. The School will make the approved registration/enrollment forms available during the enrollment period for the 2013-2014 school year and will ensure that parents/guardians receive translated documents in their home languages as required by Title VI.

B. The School will revise its process of identifying students who are English language learners (ELL) to ensure that it is capturing all ELL students in the School. The revised process shall ensure that English language proficiency assessments are or have been conducted for students when their parents/guardians' responses to the home language surveys indicate that the students speak languages other than English and shall ensure that all language proficiency assessments are educationally sound and validated for the purpose of determining whether students have English language proficiency in the four skill areas of speaking, reading, comprehension, and writing. In revising its process for identifying students who are ELL, the School will include input from teachers, administrators, parents/guardians, students, and an organization with ELL expertise, such as the Mid-Atlantic Equity Center (MAEC). As part of the revision process, the School will provide all teachers with a list of ELL students who have been identified and solicit teachers' input about whether they believe there are additional ELL students who have not been identified that are attending the School.

REPORTING REQUIREMENT: By **December 20, 2013,** the School will provide OCR with documentation of its revised identification process, including confirmation of the validity of all assessments, for OCR's review and approval. Within **10** business days of the School's submission of its revised identification process, OCR will review the submission and respond.

REPORTING REQUIREMENT: Within **60** calendar days of OCR's approval of the School's ELL identification process, the School will provide OCR with documentation that it implemented this process.

C. The School shall implement the Specifically Designed Academic Instruction in English (SDAIE) model or develop a different alternative language program that effectively provides ELL students with ESL services so that they have meaningful access to the curriculum, and that is recognized as sound by experts in the field or consists of legitimate experimental strategies. The program shall be developed by someone who is knowledgeable/has expertise about second language acquisition and the evaluation of English language development programs. The School shall include in its submission to OCR documentation supporting the person's knowledge and abilities to develop and evaluate the effectiveness of the program. The program will be reasonably calculated to:

1. Ensure that ELL students satisfy the School's goals and objectives for student participation and achievement;
2. Ensure that ELL students gain in English language proficiency in the four skill areas of speaking, reading, comprehension, and writing;
3. Develop a process to assess ELL and former-ELL students' academic progress (including grade retention rates, graduation rates, attendance, participation in extracurricular activities, and performance on standardized content tests) as compared with their non-ELL peers and whether ELL students are receiving adequate academic supports in core content area courses (including academically advanced courses);
4. Ensure that staff members who serve ELL services receive documentation of their students' ELL status and specific descriptions of the ESL/ESOL service that they are to provide to the ELL students; and
5. Ensure that there is qualified staff to implement the program:
    i. The School will provide a definition of a "qualified" staff member to implement the School's ALP model, including the justification and support for this definition; and
    ii. The School will evaluate how many qualified teachers and other staff members are needed to fully implement the ALP model. In making this determination, the School will consider the training and qualifications of staff needed to implement the ALP model.

REPORTING REQUIREMENT: By **March 31, 2014**, the School will provide OCR with its proposed program for OCR's review and approval. Within **10** business days of the School's submission of its proposed alternative language program, OCR will review the submission and respond.

REPORTING REQUIREMENT: Within **30** business days of OCR's approval of the program, the School will provide OCR with documentation that it implemented this program. This documentation will include a list of all ELL students (by name or unique identifier), each ELL student's WIDA score, a list of all ESL/ESOL services that the students are to receive, and details on how those services are to be implemented, along with the name and title of the staff member(s) responsible for implementing each service.

REPORTING REQUIREMENT: By **May 30, 2014**, the School will provide OCR with documentation that it provided school staff who service ELL students with documentation of their students' ELL status and specific ESL/ESOL services.

D. The School will develop, with the assistance of an organization with ELL expertise, such as MAEC, and provide ELL training to all School staff responsible for identifying and serving ELL students. At a minimum, the training will include:
   1. Clarification of the School's obligation to identify which of its national-origin minority students have limited English proficiency;
   2. A focused review of the School's identification process, including the School's obligation to ensure that all students who speak a language other than English – as indicated by their home language surveys – are assessed; and
   3. Detailed information about the School's alternative language program, including instruction on how to provide ESL/ESOL services to ELL students.

   REPORTING REQUIREMENT: By **August 30, 2014**, the School will schedule the above training. At least **30** calendar days before the training, the School will provide OCR with the name and qualifications of the trainer, and an outline of the training content for OCR approval. Within **5** business days of the School's submission of the name and qualifications of the trainer and outline of the training content, OCR will review the submission and respond. Within **5** business days following the training, the School will provide copies of sign-in sheets to OCR.

E. The School will conduct individualized assessments of all ELL students who attended the School during the SY 2012-2013 and all ELL students who attended the School during the SY 2013-2014 to determine whether each student achieved adequate academic progress (as demonstrated by objective assessment measures). For any student who did not achieve adequate academic progress, the School will provide compensatory educational services in the areas where the student failed to achieve adequate academic progress.

   REPORTING REQUIREMENT: By **January 30, 2014**, the School will submit for OCR's review and approval an explanation of its determination of whether each student enrolled in the School for SY 2012-2013 is eligible to receive compensatory educational services. By **July 15, 2014,** the School will submit for OCR's review and approval an explanation of its determination of whether each student enrolled in the School for SY 2013-2014 is eligible to receive compensatory educational services. These explanations shall include copies of all meeting notes where this issue was addressed; the names and titles of all meeting participants; the information that the School considered in making this determination; the rationale for the determination; and, if applicable, any proposed compensatory educational services designed to address any educational deficiencies, and a timetable for their delivery.

   REPORTING REQUIREMENT: Within **10** business days of the School's submission of documentation of its individualized assessments, OCR will review the documentation and respond. If applicable, within **10** business days of OCR's review and approval of any proposed compensatory educational services, the School will offer approved compensatory educational services to the parents/guardians of such students. By **March 3, 2014**, and **August 11, 2014,** the School will submit to OCR a copy of its offer to the parents/guardians, and any responses to the offer. If the parents/guardians accept any offer for compensatory educational services, the School will provide OCR with documentation of its provision of services to the students or any attempts made to deliver such services within **10** calendar days of the completion of the services as specified in the timetable.

II. SECTION 504 PROVISIONS

A. The School will notify all relevant School personnel, including the Section 504 Coordinator and any School personnel responsible for implementing students' individualized plans (Section 504 plans, IEPs, BIPs), of the following:

1. The School's process for ensuring that students are provided the related aids and/or services that they are eligible to receive and the role of relevant School personnel in that process, including how to obtain information about implementing each related aid and/or service and any changes to these related aids and/or services during the school year;
2. The obligation to fully implement the related aids and/or services provided in such plans, including updates or changes to related aids and/or services made during the school year. The notice will explain that unless explicitly stated to the contrary, a related aid or service provided in an individualized plan is not optional and a student should not be given the opportunity to choose whether or not to utilize the related aid or service; and
3. How School personnel are to address a situation in which a student rejects a related aid or service contained in an individualized plan. At a minimum, in such situations designated School personnel will promptly inform the student's parent/guardian of the student's failure to cooperate with implementation of the individualized plan and determine the appropriate steps to address the immediate situation. School personnel and the parent/guardian will also determine the appropriateness of scheduling a 504/IEP meeting with the student, parent/guardian, and School staff to discuss future implementation of the individualized plan, including alternative related aids or services if appropriate.

The School will provide this notice to staff in writing. It will also include the information provided in the notice in its training, as required under Provision II. D.

REPORTING REQUIREMENT: By **November 22, 2013**, the School will submit for OCR's review and approval the draft notice. Within **10** business days of the School's submission, OCR will review the draft notice and respond.

REPORTING REQUIREMENT: Within **10** business days of the receipt of OCR's review and approval of the draft notice, the School will provide documentation that all relevant personnel, as defined above, have been provided with the notice.

B. By **December 20, 2013**, OCR or another organization with Section 504 expertise will provide training to the Section 504 Coordinator and any individuals designated with any of the Section 504 Coordinator's responsibilities. The training will address the Section 504 Coordinator's and any designee(s) obligation to coordinate the School's responsibilities under Section 504.

C. Within **30** calendar days of the training, the School will ensure that its description of the Section 504 Coordinator's responsibilities and corresponding training requirements include the coordination of the School's responsibilities under Section 504, including the responsibility to provide students with a free appropriate public education (FAPE). If the School decides to designate these responsibilities to another employee, it will make clear

the scope of each deputy individual's duties and will ensure that the Section 504 Coordinator has ultimate oversight responsibility over such individuals. The description will also include the responsibility of the Section 504 Coordinator or other designated individual(s) to provide all staff members who serve students with disabilities with a list and description of each student's related aids and services.

REPORTING REQUIREMENT: By **November 20, 2013**, the School will schedule a date for the training discussed in Provision II.C. If the School does not elect to receive the training from OCR, then the School will provide OCR with the training materials, including an outline of the training content and the name, title, and qualifications of the trainer(s), for OCR's review and approval, no less than **30** calendar days before the training.

REPORTING REQUIREMENT: Within **30** calendar days after the training, the School will provide OCR with the name and title of the Section 504 Coordinator or designee(s) and a copy of the job descriptions and training requirements for the position(s).

REPORTING REQUIRMENT: Within **30** calendar days after OCR's approval of the Section 504 Coordinator's description, the School will provide OCR with documentation that the School's Section 504 Coordinator has met these requirements.

REPORTING REQUIRMENT: By **December 1, 2013**, the School will provide OCR with documentation that all teachers and any other school staff who serve students with disabilities received a copy of each student's plan and a list and description of the related aids and services for each student with a disability.

D. By **February 28, 2014**, OCR or another organization with Section 504 expertise will provide training to relevant School personnel, including the Section 504 Coordinator and any School personnel responsible for serving students with disabilities. The training will address the requirement under the Section 504 regulation, at 34 C.F.R. § 104.33, for the School to provide a FAPE to each qualified individual with a disability who is in the School's jurisdiction, including the implementation of related aids and services and Section 504's procedural requirements. During the 2014-2015 school year, and at least annually every school year thereafter, the School will provide this training to all relevant individuals, as defined above.

REPORTING REQUIREMENT: By **January 28, 2014**, the School will schedule a mutually convenient date for the training discussed in Provision II.D. If the School does not elect to receive the training from OCR, then the School will provide OCR with the training materials, including an outline of the training content and the name, title, and qualifications of the trainer(s), for OCR's review and approval, no less than **30** calendar days before the training.

REPORTING REQUIREMENT: Within **5** business days after the completion of the training program, the School will submit to OCR the sign-in sheet indicating the names and titles of participants.

REPORTING REQUIREMENT: By **May 30, 2014**, the School will provide for OCR's review and approval a copy of the training materials prepared for the School's 2014-2015 Section 504 training, including the name(s) and title(s) of the trainer(s) and the materials

used.

REPORTING REQUIREMENT: Within **10** calendar days after the completion of the 2014-2015 approved training program, the School will submit to OCR the name(s) and title(s) of the trainer(s), the date of the training, the materials used, and the sign-in sheet indicating the names and titles of participants.

E. For each of the 36 students with disabilities served under individualized plans during the 2012-2013 school year, the School will convene meetings in accordance with 34 C.F.R. § 104.35(c) to determine whether each student is eligible to receive compensatory educational services as a result of not receiving related aids and services during the 2012-2013 school year. If the School determines that there has been an educational deficiency, it will offer the students' parents/guardians compensatory educational services for the students (regardless of whether the student is enrolled at the School).

REPORTING REQUIREMENT: By **February 28, 2014**, the School will submit for OCR's review and approval an explanation of its determination of whether each student is eligible to receive compensatory educational services. This explanation shall include copies of all meeting notes where this issue was addressed; the names and titles of all meeting participants; the information that the School considered in making this determination; the rationale for the determination; and, if applicable, any proposed compensatory educational services designed to address any educational deficiencies and a timetable for their delivery.

REPORTING REQUIREMENT: If applicable, **10** calendar days after OCR's review and approval of any proposed compensatory educational services, the School will offer approved compensatory educational services to the parents/guardians of such students. By **March 28, 2014**, the School will submit to OCR a copy of its offer to the parents/guardians, and any responses to the offer. If the parents/guardians accept any offer for compensatory educational services, the School will provide OCR with documentation of its provision of services to the students or any attempts made to deliver such services within **10** calendar days of the completion of the services as specified in the timetable.

F. The School will review the grade reports of the 36 students with disabilities served under individualized plans for the 2012-2013 school year to determine whether any course assessment grades of a "B" (or equivalent) or below in classes were attributable to a failure to receive their related aids and services. If applicable, the School will offer the students' parents/guardians the option of (a) dropping the students' grade(s) in courses where their grades were attributable to not receiving related aids and services; (b) retaking any identified course assessments upon completion of any compensatory services and revising the student's grade in that course in accordance with the reassessment score; or (c) leaving the students' grades as they currently stand. The outcomes of these determinations will not alter the students' current course or grade placement.

REPORTING REQUIREMENT: By **March 28, 2014**, the School will submit for OCR's review and approval an explanation of its determination of whether the students' course grades were attributable to a failure to receive related aids and services. This explanation shall include copies of all meeting notes where this issue was addressed; the names and titles of all meeting participants; the information that the School considered in making this determination; and the rationale for the determination.

REPORTING REQUIREMENT: If applicable, **10** calendar days after OCR's review and approval of the School's determination about whether the students' course grades were attributable to a failure to receive related aids and services, the School will offer the three options mentioned in Provision II.F to parents/guardians. By **April 30, 2014**, the School will submit to OCR a copy of its offer to parents/guardians, and any responses to the offer(s). If the parents/guardians accept any offer to drop or retake any courses, by **May 30, 2014**, the School will provide OCR with documentation of the students' revised transcripts.

The School understands that OCR will not close the monitoring of this Agreement until OCR determines that the School has fulfilled the terms of this Agreement and is in compliance with the regulation implementing the provisions Title VI, 42 U.S.C. § 2000d, at 34 C.F.R. Part 100; Section 504, at 34 C.F.R. Part 104; and Title II, at 28 C.F.R. Part 35, which were at issue in this case. 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 this 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 and is in compliance with the regulation implementing the provisions of Title VI, 42 U.S.C. § 2000d, at 34 C.F.R. Part 100; Section 504, at 34 C.F.R. Part 104; and Title II, at 28 C.F.R. Part 35, which were at issue in 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 shall give the School written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Head of School
Basis DC Charter School

Nov 6, 2013
Date