

RESOLUTION AGREEMENT

Philadelphia School District OCR No. 03-14-1194

Philadelphia School District (District) agrees to resolve the allegation of discrimination on the basis of disability contained in complaint number 03-14-1194 filed with the U.S. Department of Education, Office for Civil Rights (OCR). The District voluntarily enters into this Resolution Agreement (Agreement) to ensure compliance with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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. § 12132, and its implementing regulation at 28 C.F.R. Part 35.

ACTION STEPS

1. The District recognizes its obligation under the regulation implementing Section 504 at 34 C.F.R. § 104.33 to provide a free appropriate public education to each qualified student with a disability in its jurisdiction. In addition, the District recognizes its obligations under Section 504 at 34 C.F.R. § 104.33 to fully implement Section 504 Plans for students with disabilities. Further, the District recognizes its obligation under the regulation implementing Section 504 at 34 C.F.R. §§ 104.35 and 104.36 to respond timely to requests to modify the educational program of students with disabilities. By December 30, 2014, the District will disseminate a memorandum (this memorandum can be sent electronically) to all staff and administrators at the XXXXXX in the District, reminding them of these obligations under Section 504.

Reporting Requirements:

- a) Within 2 weeks of sending the memo to staff, the District will provide OCR with a copy of the memo and proof that it was distributed along with a list of recipients.
2. By January 30, 2015, after providing proper written notice to the Student's parent/guardian, a group of knowledgeable persons, including the parent/guardian, will determine XXXXXX to implement the Student's Section 504 Plan and provide appropriate regular and/or special education or related services and its failure to respond to requests to modify the Student's Section 504 Plan. If so, within 1 week of its determination, XXXXXX not to extend beyond May 31, 2015. The District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

- a) Within 2 weeks of the decision XXXXXX, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for XXXXXX. OCR will, prior to approving the District's decision and plan for providing the proposed services, review the documentation to ensure that the District met the procedural 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, 2015, the District will provide documentation to OCR of the dates, times and locations that XXXXXX, a description of what was provided, and the name(s) of the service provider(s). The District will also provide documentation showing proof that the Complainant received procedural safeguards.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35, and 104.36, and Title II, at 28 C.F.R. §35.130(a) and (b)(1)(iii), which were at issue in this case. The District also 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 District understands that during the monitoring of this agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36, and Title II, at 28 C.F.R. §§ 35.130(a) and (b)(1)(iii), which were at issue in this case.

The District 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 District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

December 3, 2014

/s/

Date

[Authorized Official]
Philadelphia School District