

**Resolution Agreement
School District of Philadelphia
OCR Docket Number 03-17-1242**

The U.S. Department of Education, Office for Civil Rights (OCR) and the School District of Philadelphia (the District) enter into this agreement to resolve the allegation in the above-referenced complaint. This agreement does not constitute an admission of liability or non-compliance by the District. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability by recipients of Federal financial assistance.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

ACTION STEPS

1. By November 1, 2017, the District will review and revise, if necessary, its grievance procedures to ensure that they incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any prohibited actions under Section 504, in accordance with 34 C.F.R. § 104.7(b). As part of this process, the District will review and revise, as necessary, all complaint procedures that can be used for filing disability discrimination complaints to ensure that there is a clear and consistent process. The District's Section 504 grievance procedures will contain the following elements:
 - a. notice to students, parents, and employees of the procedure, including how and where to file a complaint;
 - b. application of the procedure to complaints alleging disability discrimination carried out by students, employees, or third parties;
 - c. adequate, reliable, and impartial investigation, including the opportunity to present witnesses and other evidence;
 - d. designated and reasonably prompt timeframes for the major stages of the complaint process;
 - e. notice to the parties of the outcome of the complaint, and the basis for the decision; and
 - f. an assurance that the District will take steps to prevent the recurrence of any prohibited actions and to correct its discriminatory effects on the complainant and others, if appropriate.

REPORTING REQUIREMENTS

1. By November 1, 2017, the District will provide OCR with a copy of its proposed Section 504 grievance procedures, in accordance with Action Step #1 above.

2. Within 45 calendar days after OCR’s approval of the Section 504 grievance procedures, the District will provide OCR with documentation that it has implemented the procedures, including copies of the written notices issued to students and employees regarding the new Section 504 procedures and a description of how the notices were distributed; copies of its revised student and employee handbooks and any other publications where these procedures are published; and a link to its webpage where the revised Section 504 procedures are located.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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 Section 504 and its implementing regulation at 34 C.F.R. §104.7(b). Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District’s representative below.

/s/

Miles H. Shore, Interim General Counsel
School District of Philadelphia

9/13/2017

Date

/s/

Wendella P. Fox, Director
U.S. Department of Education,
Office for Civil Rights
Philadelphia Office

9/15/2017

Date