

**VOLUNTARY RESOLUTION AGREEMENT**  
**School District of Philadelphia**  
**Complaint Number 03-18-1031**

The U.S. Department of Education, Office for Civil Rights (OCR) and the School District of Philadelphia (District) enter into this Agreement to resolve the allegations in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with the requirements of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex and retaliation by recipients of Federal financial assistance from the Department; 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, which prohibit discrimination on the basis of disability in programs or activities receiving financial assistance from the Department; and Title II of the Americans with Disabilities Act of 1990, as amended (Title II), 42 U.S.C. § 12131, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability in programs, services, and activities of public entities.

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.

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 evaluation and placement obligations under the regulation implementing Section 504 at 34 C.F.R. §§ 104.34-104.36.
2. The District acknowledges that, pursuant to 34 C.F.R. § 106.71, it may not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws OCR enforces, or because he or she has made a complaint, testified, assisted, or participated in any manner in an investigation or other matter in connection with a complaint. The District recognizes that retaliation (any adverse action, including, but not limited to, coercion, threats or intimidation) against an individual who has engaged in a protected activity or participated in the resolution process of complaints alleging discrimination in violation of statutes and regulations enforced by OCR, is prohibited under these regulations.
3. The District will disseminate a memorandum (this memorandum can be sent electronically) to all staff and administrators at XXXXXX (School) regarding the obligations set forth in Steps 1-2.

Reporting Requirement: By October 1, 2018, the District will provide OCR with a copy of the memorandum and documentation to all staff and administrators demonstrating that it has been distributed, including the method of distribution, and the identity of the recipients.

4. XX – paragraphs redacted – XX

Reporting Requirement: XX – paragraphs redacted – XX

5. XX – paragraphs redacted – XX

Reporting Requirement: XX – paragraphs redacted – XX

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 Title IX and its implementing regulations at 34 C.F.R. §§ 106.31 and 106.71, and with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4, 104.33, 104.34-104.36, and Title II, at 28 C.F.R. §35.130, that were at issue in this case. 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/

\_\_\_\_\_  
Superintendent or Designee

10/10/18

\_\_\_\_\_  
Date