

**RESOLUTION AGREEMENT**  
**Denver Public Schools**  
**OCR Case Number 08-15-1072**

In order to resolve one allegation in case number 08-15-1072, filed against the Denver Public Schools (District) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the District agrees to implement this Resolution Agreement. This case was initiated pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), and its implementing regulation at 34 C.F.R. part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), and its implementing regulation at 28 C.F.R. part 35.

The District's decision to enter into this Agreement is not an admission of liability or wrongdoing, nor shall it be construed as such.

1. The District will hold an educational team meeting for the Student, which will include consideration of what evaluations are necessary to determine whether there are physical, intellectual or emotional disabilities. The District will ensure that the meeting includes a team of persons knowledgeable about the Student and medical documentation previously provided to the District. The District will provide the Student's parents with a meaningful opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

**REPORTING REQUIREMENT:** Within 90 days of this Agreement, the District will submit to OCR documentation showing implementation of Paragraph 1, including a copy of any meeting minutes, a copy of any signed evaluation releases, and any other documentation relevant to the determinations reached in accordance with Paragraph 1. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.33-104.36, in making these determinations, and notify the District when it has completed this review.

2. The District will hold a second educational team meeting for the Student, which will include consideration of whether the Student requires any compensatory services as a result the failure to evaluate during the 2014-15 school year. The District will ensure that the IEP team meeting includes a team of persons knowledgeable about the Student, the evaluation data resulting from Paragraph 1, and the placement options and, if necessary, draft an action plan containing proposed compensatory services or remedial measures that will be offered or taken, the specific timelines for implementation, and the person(s) responsible for overseeing full and timely implementation. The District will provide the Student's parents with a meaningful opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

**REPORTING REQUIREMENT:** Within 60 days of the completion of the evaluation of the Student required in Paragraph 1, the District will submit to OCR documentation showing implementation of Paragraph 2, including a copy of any meeting minutes, a copy of any educational plan developed for the student, documentation of any input provided by the student's parents and showing that procedural safeguards were provided to them, and any other documentation relevant to the determinations reached in accordance with Paragraph 2. Should the District determine that no compensatory education or other remedial services were necessary, the District will provide a written explanation of the reasons for that determination, along with any supporting documentation. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34-104.36, in making these determinations, and notify the District when it has completed this review.<sup>1</sup>

3. After OCR has reviewed and accepted the District's determination the District will take steps to implement the compensatory services, if any, agreed upon by the IEP team.

**REPORTING REQUIREMENT:** Within 30 days from the date of OCR's acceptance of the proposed compensatory services (if any) or remedial measures, the District will provide documentation that it has provided or is in the process of providing the compensatory services or remedial measures. For compensatory services and remedial measures that will occur over time, the District must submit documentation regarding the specific timelines for implementation, the person(s) responsible for overseeing full and timely implementation, and supporting documentation establishing that the compensatory services and remedial measures are being provided as specified. If the Student is to receive compensatory services, the case will remain in monitoring until all compensatory services and remedial measures have been provided in full.

4. The District will provide training on the policies to all staff at Denver School of Science and Technology Public Schools (teachers, office staff, and administrators), including all charter school staff, regarding the requirements of Section 504, specifically addressing the District's affirmative obligation to identify and evaluate students suspected of being a person with a disability.

**REPORTING REQUIREMENT A:** By September 1, 2015, the District will provide OCR its draft training materials; identify who will be providing the training, by name and title; and provide a list of personnel required to participate in the training, by name and title and school.

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<sup>1</sup> Except in extraordinary circumstances, OCR does not typically substitute its judgment for the decisions made by an IEP team that is properly constituted and that takes appropriate actions in light of the requirements of due process. In the event that the IEP team described in Paragraph 2 proposes compensatory services or remedial actions *and* those actions are clearly insufficient to provide equitable relief to the Student, OCR will notify the District of its concerns, and the District will consider and respond to any feedback from OCR with respect to the proposed compensatory services or remedial measures.

**REPORTING REQUIREMENT B:** Within 60 days of OCR’s approval of the training materials, the trainer, and who is to attend the training, the District will provide documentation demonstrating that the training was provided and a copy of the training sign-in sheets.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, 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.

The District 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 the Agreement, if necessary, OCR may visit the District, interview District employees 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 regulation implementing Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, which were at issue in this case.

For Denver Public Schools:

/s/

6/16/15

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John Liberatore  
Director of Student Services  
Section 504 Compliance Officer

Date