

**Resolution Agreement
Denver Public Schools
Complaint No. 08-15-1106**

In order to resolve the open allegations in Case Number 08-15-1106, filed against Denver Public Schools (“ District”) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR) pursuant to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (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), 42 U.S.C. §§ 12131–65, and its implementing regulation at 28 C.F.R. part 35, the District agrees to implement the following Resolution Agreement.

During the course of OCR’s investigation, before OCR had made any findings, the District indicated its willingness to take steps necessary to ensure compliance with Section 504 and Title II. Pursuant to Section 302 of OCR’s *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the allegations and issues, and OCR determines that it is appropriate to resolve them with an agreement during the course of an investigation. The District’s decision to enter into this Agreement is not an admission of liability or wrong-doing, nor shall it be construed as such.

RESOLUTION ACTION

1. Re-evaluation of XXXXX program students

- a. The District shall conduct a staffing meeting for all intermediate XXXXX program students at Ellis Elementary to ensure that each student’s placement and education is integrated with their non-disabled peers to the maximum extent appropriate, given the needs of the XXXXX student and in a manner consistent with 34 CFR 104.34.
- b. If the staffing team determines that the student’s placement in XXXXX is contrary to the student’s ability to be integrated with their non-disabled peers, the staffing team will:
 - i. Revise the student’s placement to reflect the appropriate placement; and
 - ii. Consider whether compensatory services should be provided to the student to compensate for the prior placement.

REPORTING REQUIREMENT: By May 30, 2015, the District will provide OCR with evidence that for each student enrolled in the XXXXX program at the beginning the 2014-2015 school year, a new staffing team meeting has been convened for the purpose of complying with Terms **1a** & **1b** above. 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.

- a. OCR will review and approve 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, 104.35 and 104.36, in making these determinations.

- b. The District will consider and respond to any feedback from OCR with respect to the District's process for developing any proposed compensatory services. After OCR accepts the proposed compensatory services or remedial measures, the District will provide or begin providing the compensatory services or take the remedial measures.
- c. If compensatory or other remedial services are determined to be necessary the District will provide OCR with a schedule for providing these services for each student and documentation at the conclusion of the provision of services for each student.

2. Training

The District shall provide training to the Ellis Elementary special education staff and School administration on Section 504 and Title II. The training will include, at a minimum, the District's responsibilities under the following:

- a. 34 CFR §104.34 Education Setting;
- b. 34 CFR §104.35 Evaluation and Placement; and
- c. 34 CFR §104.36 Procedural Safeguards.

Prior to conducting the training, the District will provide OCR with the training materials and qualifications of the trainer.

REPORTING REQUIREMENT: Within 90 days of receiving OCR's approval of the training materials and qualifications of the trainer the District will conduct the training.

- a. No later than August 31, 2015, the District will provide OCR a copy of materials distributed at the training and a sign in list (by name and position) of all who completed the training.

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 regulations implementing Section 504 and Title II, which were at issue in this case.

The District understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the District has fulfilled the terms of the Agreement and is in compliance with the statute(s) and regulations that 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

