

**Resolution Agreement
Denver Public Schools
Complaint No. 08-16-1083**

In order to resolve the open allegation in Case Number 08-16-1083, 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.

The District voluntarily agrees to take the following actions:

By September 15, 2016, after providing proper written notice to the Student’s parents, the District will convene an IEP Team to consider whether the Student should receive compensatory services for instruction missed by the Student due to the lack of staff availability during the 2015-2016 school year. The meeting shall be conducted pursuant to the procedural requirements of 34 Code of Federal Regulations Sections 104.35 and 104.36. If the team determines the Student should receive compensatory education or services, the District will provide such education or services in addition to the Student’s regular instruction and services for the 2016-2017 school year.

REPORTING REQUIREMENT: Within 30 days of the IEP Team meeting, the District will provide OCR a copy of the Team’s meeting notes and the Student’s IEP.

REPORTING REQUIREMENT: Within 60 days of the IEP Team meeting, the District will provide OCR documentation demonstrating that it has scheduled any compensatory education or services that the Team determined the Student should receive.

REPORTING REQUIREMENT: Within 30 days of the conclusion of the compensatory education or services, the District will provide OCR with documentation demonstrating that it has provided all of the education or services.

REPORTING REQUIREMENT: Should the District determine that no compensatory education or other remedial services are 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. §§ 104.33-104.36, in making these determinations, and notify the District when it has completed this review.¹

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 this Agreement, if necessary, OCR may visit the District, interview staff and patrons, 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 complaint.

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

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. 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.P.R. §§ 100.9, 100.10), or judicial proceeding enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

For Denver Public Schools:

_____/s/_____

____July 28, 2016_____
Date

¹ 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 proposes no 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.