

Resolution Agreement

Denver Public School District 08-18-1135

In order to resolve an allegation in Case Number 08-18-1135, filed against Denver Public Schools (District), the District agrees to implement the following Resolution Agreement. These complaint allegations were 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 and its implementing regulation at 34 C. F. R. part 104, which prohibits discrimination on the basis of disability in education programs that receive Federal financial assistance from the Department; and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities.

During the course of OCR's investigation, before OCR had made any findings, District indicated its willingness to take steps necessary to ensure compliance with Section 504. 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 complaint, OCR believes that doing so is appropriate, and the remedies align with the allegations. District's decision to enter into this Agreement is not an admission of liability or wrong-doing, nor shall it be construed as such.

Training – Staff at Place Bridge Academy & Samuels E.S.

- 1) The District will provide training to staff at Place Bridge Academy and Highline Academy. Such training shall be provided, at a minimum, to the principals, assistant principals of both schools, and at Samuels E.S. to the Student's current teachers, special education staff who work with him, any individual involved in the investigation of complaints of disability based harassment or discrimination, any individual involved in the decision-making for the discipline of students for disability based harassment. This training will include, at a minimum:
 - instruction on what types of conduct constitute disability harassment and the negative impact that such harassment has on the educational environment;
 - a review of the policies and procedures, including specific guidance on what constitutes disability harassment, the school's responsibility for responding to such harassment, and how to respond to such harassment;
 - how to conduct and document adequate, prompt, reliable, and impartial investigations and the appropriate standards to apply in reaching determinations;
 - how to interview and interact with complainants in a way that is trauma-informed, sensitive, and respectful;

- a statement that disability harassment of students will not be tolerated, and that any staff member who knows or believes such conduct may be occurring is required to report such knowledge or belief; and
- notice that failure to respond appropriately to notice of disability harassment, or retaliation for reporting such harassment, violates District policy and may result in the imposition of disciplinary sanctions.

REPORTING REQUIREMENT:

- a. Within thirty (30) calendar days of OCR’s approval of the District’s revised policies and grievance procedures in review in OCR case number 08-16-1385, or within thirty (30) calendar days of the date of this Agreement if the approval is granted at the time of this Agreement, provide a draft training plan to OCR for review and approval that includes the training materials and identifies the trainer(s) and their credentials for providing the proposed training.
- b. Within thirty (30) calendar days of receiving OCR’s approval of the training materials and the trainer(s), the District will notify OCR that it has provided the requisite training, including a description of the content covered, who provided the training, and who participated.

Investigation – Disability Based Harassment of Student

- 2) The District will conduct an investigation of all instances of alleged disability-based harassment of the Student during the 2017-2018 school-year utilizing the District’s Discrimination Prevention and Response (DPR) process as approved in OCR case number 08-16-1385. In order to ascertain the full scope of allegations of disability-based harassment of the Student during the 2017-2018 school year, the District’s Office of Family and Community Engagement (FACE) will communicate with the Complainant to compile a comprehensive list of the Complainant’s allegations to be investigated. Additionally, the District will impose the necessary discipline and remedies in accordance to its disciplinary policies and procedures, if any.

REPORTING REQUIREMENT:

- a. Within thirty (30) calendar days of the date that OCR approves its policy and procedures in OCR case number 08-16-1385, or within thirty (30) calendar days of the date of this Agreement if the approval is granted at the time of this Agreement, the District will provide OCR with the results of its investigation. The District shall provide, at a minimum, a report of its findings, a copy of all documents, witness statements, and evidence gathered in the investigation, and a description of all discipline imposed and remedies provided (if any).

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 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35. 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.

For Denver Public Schools:

_____/s/_____
Name and Title

_____9/28/2018_____
Date