

**Resolution Agreement
Denver Public School District
Complaint Number 08-18-1224**

In order to resolve the allegations in Case Number 08-18-1224 filed against Denver Public School District (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 (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, which prohibit discrimination on the basis of disability in public education programs that receive Federal financial assistance from the Department.

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 complaint, OCR believes that doing so is appropriate, and the remedies align with the allegations. 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.

1. By **September 4, 2018**, the District will convene a Section 504 team meeting and invite the Complainant and the Student to the meeting. The purpose of the meeting is to determine the amount and nature of compensatory services that the District will provide, or other remedial measures the District will take, to address the alleged failure to timely and appropriately evaluate the Student for disability-related XXXX services and to provide the Student with access XXXX during the 2017-2018 school year.

REPORTING REQUIREMENT 1A: Within 15 days after the meeting, the District will provide OCR, for OCR's approval, documentation that this meeting occurred, including but not limited to the invitation to the meeting and a copy of the meeting notes, and an explanation of the reasoning as to the 504 team's determination as to compensatory services and remedial measures. If the Complainant declines the invitation to the meeting, the District shall provide OCR with the invitation to the meeting and any notes and records of communications with the Complainant related to the meeting. The District will fully and promptly address any comments by OCR as to the proposal and will continue to modify the proposal or provide additional information until it receives final OCR approval.

REPORTING REQUIREMENT 1B: Within 30 days of OCR's approval of the proposed compensatory services and remedial measures, the District will provide documentation that it has provided or is in the process of providing the compensatory services and remedial measures. The District need not wait for OCR's approval to begin providing these services or measures, but OCR's approval shall be required for the services/measures to be deemed completed. For compensatory services and remedial

measures that will occur over time, the District will submit documentation regarding the specific timelines for implementation, the person(s) responsible for providing services, 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.

REPORTING REQUIREMENT 1C: Once all compensatory services and remedial measures have been provided to the Student in full, the District will provide documentation to OCR within 30 days of completion establishing that all compensatory services and remedial measures have been provided.

2. The District will review and, as necessary, revise the evacuation procedures for XXXX (School). The evacuation procedures will address the evacuation needs of students, staff and visitors with a variety of disabilities (e.g. – visual, hearing, mobility and respiratory disabilities) and include evacuation drills of students, staff and visitors at the School, including persons with a variety of disabilities, regardless of whether any disabled students or staff are associated with the School at the time of the drills.

REPORTING REQUIREMENT: By **August 17, 2018**, the District will submit a copy of its draft evacuation procedures for OCR’s review, feedback and approval.

3. Within thirty (30) days of receiving OCR’s written approval, the District will implement the evacuation procedures. The District will also publish the evacuation procedures in student and employee handbooks and on its website.

REPORTING REQUIREMENT: Within fifteen (15) calendar days of implementation and publication, the District will submit to OCR copies of all documents and links to all webpages containing the evacuation procedures.

4. The District will develop a process to notify visitors to the School of the evacuation procedures to ensure that visitors with disabilities are aware of the procedures and allow them the opportunity to notify School staff of their need for assistance in the event of an emergency evacuation.

REPORTING REQUIREMENT: By **August 17, 2018**, the District will submit a copy of its process for notifying visitors of the evacuation procedures for OCR’s review, feedback and approval.

5. Within thirty (30) days of receiving OCR’s written approval, the District will implement its process for notifying visitors to the School of the evacuation procedures.

REPORTING REQUIREMENT: Within fifteen (15) calendar days of implementation, the District will submit to OCR documentation demonstrating it has implemented its process for notifying visitors to the School.

6. The District will develop a schedule of evacuation drills to be conducted at the School during the 2018-2019 school year. The District will designate School staff responsible for implementing the evacuation procedures during the 2018-2019 school year and will identify the individuals who are primarily assigned to evacuate students, staff and visitors with a variety of disabilities and the individuals who act as alternates.

REPORTING REQUIREMENT 6A: By **August 17, 2018**, the District provide OCR with the schedule of evacuation drills to be conducted at the School; identify by name and title School staff responsible for implementing the evacuation procedures during the 2018-2019 school year and those are primarily assigned to evacuate persons with disabilities including those with mobility disabilities and the individuals who act as alternates.

REPORTING REQUIREMENT 6B: By **January 7, 2019, and June 7, 2019**, the District provide OCR a written description of the evacuation drills held during the prior semester including the dates the drills were conducted, the names of the students and staff participating in the drills and the outcome of the drills.

7. By **October 1, 2018**, the District will provide training to all School staff on the evacuation procedures and process for notifying visitors about the evacuation procedures.

REPORTING REQUIREMENT: After the conclusion of the training, but no later than **October 15, 2018**, the District will submit to OCR documentation demonstrating the training was provided. The documentation will include:

- The agenda and handouts for the training;
 - The date and time the training was held;
 - The name(s) and qualifications of the training instructors; and
 - A copy of the attendance sheets maintained for the training, including the name and title for each participant.
8. The District will evaluate the accessibility of and identify any barriers to access for individuals with disabilities at the School related to:
- Restrooms including entrances, designated wheelchair accessible toilet stalls, lavatories, mirrors, and dispensers (*e.g.* – soap, paper towel). The pounds of push or pull force required to open interior and exterior doors;
 - Ramp(s) along the designated accessible route(s) leading to the School’s designated accessible entrance from designated accessible parking spaces and school bus drop-off location(s). For each ramp, the District will evaluate, at a minimum, the ramp width, slope, cross-slope and handrails, if any;
 - Dispersal of designated accessible seating locations and companion seating to all levels of the auditorium; and
 - X-provision redacted-X

The regulations implementing Section 504 and Title II contain two standards for determining whether the District’s programs, activities, and services are accessible to

individuals with disabilities. One standard applies to existing facilities, the other covers new construction and alterations. Which standard applies depends upon the date of construction or alteration of the facility. In conducting its evaluation, the District will apply the appropriate accessibility requirement(s) to its facilities:

Program Access Elements. For those District facilities constructed or altered prior to the effective date of Section 504 and Title II, the District will ensure that its programs, when considered in their entirety, are accessible to and usable by people with disabilities. 34 C.F.R. § 104.22; 28 C.F.R. § 35.150. In choosing among available methods for achieving program access, the District will give priority to those methods that serve people with disabilities in the most integrated setting appropriate.

New Construction Elements. For those District facilities constructed or altered after the effective date of Section 504 and Title II, the District will ensure that its facilities are readily accessible to and usable by persons with disabilities. C.F.R. § 104.23; 28 C.F.R. § 35.151. Depending on the date of construction, the District will evaluate whether its facilities comply with the applicable new construction/alteration standard:

- American National Standards Institute (ANSI) Standards A117.1-1961 (re-issued 1971);
- Uniform Federal Accessibility Standards (UFAS);
- 1991 ADA Standards for Accessible Design (1991 ADA Standards); or
- 2010 ADA Standards for Accessible Design (2010 ADA Standards).

After completing its evaluation, the District will develop a written remediation plan addressing each barrier to access identified at the School, if any, through its evaluation and submit it for OCR approval. For each barrier, the District may: (1) remove it in a way that complies with the 2010 ADA Standards, (2) propose a timeframe for barrier removal for OCR's consideration, or (3) propose a timeframe for alternate means of providing equivalent facilitation (for new construction or alterations) or program access (for existing facilities).

REPORTING REQUIREMENT: By **October 1, 2018**, the District will provide OCR with the results of the District's accessibility evaluation at the School including copies of all checklists and detailed photographs showing the measurements taken which were used by the District during its evaluation. The District will also provide OCR with a copy of its remediation plan identifying each barrier to access found through the evaluation, describing how it will address each barrier to access and the date by which each barrier to access will be removed.

9. Within 30 days of receiving OCR's written approval of its remediation plan, the District will implement the plan, taking the steps necessary to address each identified barrier to access in accordance with the approved plan.

REPORTING REQUIREMENT: The District will submit written reports to OCR every six months after the date of OCR's approval of the District's remediation plan

summarizing the actions the District has taken pursuant to this Agreement. Reports will include documentation satisfactory to OCR showing those actions. Such documentation will include, for example, detailed photographs or videos showing the relevant measurements of any alterations or renovations, architectural plans, work orders, purchase orders, invoices and proof of efforts to secure funding/assistance for structural renovations or equipment.

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 at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. Part 35, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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. 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.

For Denver Public School District:

/s/
Dr. Eldridge Greer
Associate Chief of Student Equity and Opportunity

07/23/2018

Date