

RESOLUTION AGREEMENT
Denver Public Schools
OCR Case Number 08-18-1577

Denver Public Schools (“District”) enters into this Agreement to resolve an allegation in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures the U.S. Department of Education, Office for Civil Rights (OCR) that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (“Section 504”), as amended, 29 United States Code (U.S.C.) Section 794, and its implementing regulation, at 34 Code of Federal Regulations (C.F.R.) Part 104, and Title II of the Americans with Disabilities Act of 1990 (“Title II”), 42 U.S.C. Section 12131 *et seq.*, and its implementing regulation, at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Prior to OCR issuing a final determination pursuant to Section 303 of OCR’s *Case Processing Manual* (CPM), the District agreed to resolve the issue in this case pursuant to Section 302 of the CPM. Accordingly, to resolve the issue, the District agrees to implement the following terms and reporting requirements.

TERM I: Consistent with all procedural requirements of Section 504,¹ the District will convene a meeting to discuss whether compensatory services or remedial measures are owed to the Student as a result of the District’s actions between XXXX and XXXX.² At the meeting, District staff will invite input from the Complainant and document the perspectives shared, information considered, and decisions made. If the group decides that compensatory services or remedial measures are owed to the Student, the group will:

- A. assess the type and amount of compensatory services or remedial measures owed; and
- B. develop a plan for delivering the compensatory services or remedial measures owed, including specific timelines for implementation and the person(s) responsible for overseeing full and timely implementation of the plan.

Term I Reporting Requirements:

- A. Within thirty (30) calendar days of this Agreement being signed, the District will submit to OCR a draft meeting invitation to be sent to the Complainant. The invitation will include an explanation of why the Complainant is receiving the invitation (*i.e.*, to discuss possible compensatory services or remedial measures for the Student as a result of the District’s actions between XXXX and XXXX).³ The District will promptly and fully address OCR’s feedback, if any, until the District receives OCR’s final approval of the invitation.
- B. Within five (5) calendar days of receiving OCR’s final approval of the invitation, the District will send the invitation to the Complainant.
- C. Within forty-five (45) calendar days of receiving OCR’s final approval of the invitation, the District will convene the meeting. Within five (5) calendar days of the meeting, the District will send the Complainant written notice of the determinations made at the meeting. Within fifteen (15) calendar days of the meeting, the District will submit to OCR copies of: (i) the invitation

¹ See 34 C.F.R. §§ 104.35-36.

² For purposes of this Agreement, “District” includes its charter schools.

³ The meeting does not have to be limited to a discussion of compensatory services. For example, the meeting could also serve as an annual review.

sent to the Complainant; (ii) all other communications with the Complainant regarding the meeting; (iii) written notice of the determinations sent to the Complainant; (iv) documentation from the meeting showing the perspectives shared, information considered, and decisions made; and, if applicable, (iv) the plan created at the meeting. The District will promptly and fully address OCR's concerns, if any, until the District receives OCR's final approval of the plan, if any.⁴

- D. Within sixty (60) calendar days of receiving OCR's final approval of the plan, if any, the District will submit to OCR documentation showing that the District has provided or is in the process of providing the compensatory services or remedial measures.⁵

TERM II: The District will create a written plan for ensuring timely and appropriate transitions for students who parents revoke consent for their child to have a Section 504 plan or individualized education program (IEP).

Term II Reporting Requirements:

- A. Within ninety (90) calendar days of this Agreement being signed, the District will submit to OCR a proposed written plan that specifies, at a minimum: (i) how District central office staff will communicate, in a timely manner, with school-based staff regarding relevant information; (ii) who will be responsible for ensuring timely communications with parents; (iii) that transition notifications will be in writing and shared with parents in a timely manner; (iv) how the District will avoid or minimize disruptions to students' education; and (v) the name(s), title(s) or position(s), phone number(s), and email address(es) for District staff who are designated to coordinate implementation of the plan and to respond to questions and concerns from parents and staff. The District will promptly and fully address OCR's feedback, if any, until the District receives OCR's final approval of the plan.
- B. Within twenty (20) calendar days of receiving OCR's final approval of the plan, the District will: (i) disseminate the approved plan to all relevant District staff; (ii) submit to OCR a list of all staff members to whom the plan was sent, including the name and title or position of each staff member; and (iii) submit to OCR documentation showing that the plan was disseminated to the individuals listed.⁶ The District will promptly and fully address OCR's concerns, if any, until OCR notifies the District that Term II has been completely fulfilled.

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. Sections 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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

⁴ Except in extraordinary circumstances, OCR does not typically substitute its judgment for the decisions made by a group that is properly constituted and that takes appropriate actions in light of the requirements of due process. In the event that the group 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.

⁵ This case will remain in monitoring until all compensatory services (if any) have been provided, or until the District provides an acceptable explanation for why the services cannot be provided.

⁶ *e.g.*, a copy of an email showing the recipients and attachment(s)

District understands that, during the monitoring of this Agreement, if necessary, OCR may visit the School, 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 are in compliance with Section 504, and its implementing regulation, and Title II, and its implementing regulation. Upon completion of the obligations under this Agreement, OCR will close this case.

For Denver Public Schools:

/s/ _____ 1/15/19 _____
Dr. Eldridge Greer, Associate Chief of Student Equity and Opportunity Date