

**RESOLUTION AGREEMENT**  
**Denver Public Schools**  
**Case Number 08-21-1056**

Denver Public Schools (District) enters into this agreement to resolve the 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 OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), and its implementing regulation at 34 Code of Federal Regulations Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), and its implementing regulation at 28 C.F.R. Part 35. As a recipient of Federal financial assistance from the Department, the District is subject to these laws and regulations.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

1. The District will hold an IEP team meeting for the Student, which will include consideration of whether the Student should be reevaluated in response to [X-words redacted-X] and the appropriateness of compensatory services for any failure to reevaluate the Student after he had [X-words redacted-X] during the 2020-21 school year. The District will ensure that the IEP team meeting is a team of persons knowledgeable about the Student, the evaluation data, and the placement options. The District will take reasonable steps to obtain the Complainant's participation in the meeting, including communicating through multiple methods, if necessary (phone, writing, email), and ensuring that the meeting is held at a time and place convenient to her. The District will provide the Complainant with a meaningful opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including the right to challenge such determinations through an impartial due process hearing should she disagree.

**Reporting Requirement:** By **May 30, 2021**, the District will submit to OCR documentation showing implementation of Paragraph 1, including a copy of any meeting minutes, meeting notices, documentation of any input provided by the Complainant and showing that procedural safeguards were provided to her, and any other documentation relevant to the determinations reached in accordance with Paragraph 1. 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. §§ 104.34, 104.35 and 104.36, in making these determinations, and notify the District when it has completed this review.

2. If the IEP team determined that the Student should be reevaluated in response to [X-words redacted-X], the District will take steps to reevaluate the Student.

Reporting Requirement: By **June 30, 2021**, the District will provide documentation to OCR that the Student has been reevaluated. If the IEP team determined that reevaluation was not necessary, the District will provide a written explanation of the reasons for that determination, along with any supporting documentation.

3. If the IEP team determined that the Student is entitled to compensatory services regarding any failure to reevaluate the Student after he had [X-words redacted-X] during the 2020-21 school year, the District will take steps to provide services.

Reporting Requirement: By **August 30, 2021**, the District will provide documentation to OCR of the dates, times, and locations that the compensatory education or other remedial services were provided to the Student, including the name(s) and title(s) of the service provider(s) and will provide OCR documentation demonstrating that it has provided all of the education or services. If the IEP team determined 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.

4. The District will provide Section 504 training, by a competent authority on Section 504, to all administrative staff at the Student's school and all staff members who were members of the Student's IEP team during the 2020-21 school year. The training will focus on the District's responsibilities regarding evaluation and re-evaluation procedures required by Section 504.

Reporting Requirement: By **April 30, 2021**, the District will submit for OCR's review and approval a copy of its proposed training materials to implement Item 3, along with the name and qualifications of the proposed trainer demonstrating that he/she is a competent authority on Section 504.

Reporting Requirement: By **September 30, 2021**, the District will provide OCR with documentation showing that Item 3 has been implemented. The documentation will include information about the date(s) of the training(s), copies of the agenda and any training materials distributed, and a copy of the sign-in sheets of attendees, indicating name and job title.

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 and Title II of the Americans with Disabilities Act, which were at issue in this case. 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.

For Denver Public Schools:

\_\_\_\_\_/s/\_\_\_\_\_  
Interim Superintendent Dwight Jones

\_\_\_\_\_/04/14/2021\_\_\_\_\_  
Date