

**Voluntary Resolution Agreement
District of Columbia Public Schools
OCR Case No. 11-14-1023**

The District of Columbia Public Schools (the District) agrees to fully implement this Resolution Agreement (the Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-14-1023. This Agreement does not constitute an admission by the District of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

Training on the District's Section 504 Evaluation Procedures

1. By **August 22, 2014**, the District will provide XXXX School teachers and administrators training on the requirements of Section 504 and Title II. The training will emphasize the District's obligations under Section 504 to identify and evaluate students who need or are believed to need special education and/or related aids and services. The District will also disseminate a memorandum to all staff and administrators in the District reminding them of their obligations under Section 504 to identify and evaluate students who need or are believed to need special education and/or related aids and services. The memorandum will also include a reminder to staff and administrators of the requirement to respond in a timely manner to a parent's request for an initial evaluation to consider a student's eligibility for special education and/or related aids and services.

Reporting Requirements:

- a. By **July 14, 2014**, the District will submit to OCR for review and approval the proposed training and memorandum prior to conducting the training and distributing the memorandum.
- b. Within **15 calendar days** of receiving OCR's approval the District will publish the memorandum and provide OCR with proposed date(s) for when the District intends to conduct the training at Tyler Elementary School.
- c. By **September 19, 2014**, the District will provide OCR with a report confirming completion of the required training, including: (a) the date of the training session(s); (b) copies of the sign-in sheet(s) with the names and titles of the District and/or School personnel who participated in the training session; (c) the name, title and qualifications of the staff who provided the training to the District staff; (d) copies of the agenda and a description of the content of the training, including any training materials disseminated at the training session(s); and (e) a copy of the memorandum issued to all District staff regarding the District's obligations under Section 504 with regard to evaluations.

Individualized Student Review

2. By **June 20, 2014**, the District will convene a group of persons knowledgeable about the Student (such as the IEP Team if already established), including the Parent to determine whether the Student requires free supplemental educational and/or remedial services (including, but not limited to, counseling services and reimbursement for transportation costs) to compensate for the time period from October 26, 2012 until November 21, 2013 when the student was not identified or evaluated for educational services including when her Behavior Intervention Plan (BIP) was not implemented. The group will develop a plan for providing free supplemental educational and/or remedial services, if any, with a completion date not to extend beyond **1 year of start date**. The plan will identify the nature and amount of the services to be provided at no cost to the Parent, by whom, and when. The District will provide the Parents 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 their right to challenge such determinations through impartial due process hearing should they disagree.

Reporting Requirements:

- a. Within **15 calendar days** of the meeting, the District will submit to OCR for review and approval a copy of the meeting minutes or similar documentation from the meeting referenced in Provision 2 above, including an explanation for the decisions were made, a description of the services, and a schedule for providing any free supplemental educational and/or free supplemental and/or remedial services to the Student if those services are to be provided by the District. This information should also include the names and titles of all meeting participants. 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.
- b. Within fifteen (15) calendar days after submitting this information for OCR's review and approval as a part of Reporting Requirement 2.a the District will provide the Parent with written notice, a copy also to be sent to OCR of the outcome of the meeting, including a description of the Student's educational loss if any. The District will provide the Parent with a written offer or authorization regarding the District's provision of the free supplemental educational and/or remedial educational services to the Student (that includes a description of how and when the services will be provided or that the Parent is authorized to obtain the services independently but billed to the District and a proposed timetable that informs the parent of the outcome (i.e., any determination made and the rationale for the determinations) of the meeting held as a result of Provision 2.

- c. If the Parent accepts in writing the District's offer, the District will begin providing the services to the Student within fifteen (15) calendar days from the date of its receipt of the Parent's acceptance in writing of the District's offer, or at a later date, if agreed upon by the Parent and the District. The free supplemental educational and/or remedial educational services shall be delivered in a manner so as not to hinder the delivery of any services that are required by the Student's current educational program and have a completion date not to extend beyond **1 year of the start date**.
 - d. Within **15 calendar days** of completion of services, the District will provide documentation to OCR of the dates, times, and locations that any free supplemental and/or remedial services were provided, and the name(s) of the service provider(s) should the District elect to provide the services. If the District determines that the Student is eligible for services the District will provide OCR with an authorization for independent services should it elect not to directly provide supplemental educational and/or remedial educational services.
3. The District convened a group of persons knowledgeable about the Student, her disability, and placement options on April 29, 2014.

Reporting Requirement:

- a. The District will provide to OCR within 15 calendar days of the signing of this agreement for review and approval documentation of its decision whether to revise the Student's current BIP, including addressing the student's behaviors of physical and verbal aggression towards peers an explanation for the decision, and any proposed revisions and additional interventions to the Student's BIP. If the District proposed making no revisions to the Student's BIP, it will provide OCR with an explanation of this decision and the names and titles of the decision-makers.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing the provisions of Section 504 and Title II which were at issue in this case.

The District also 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 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 the provisions of Section 504, and Title II which were at issue in this case.

