

RESOLUTION AGREEMENT
District of Columbia Public Schools
OCR Case No. 11-14-1214

District of Columbia Public Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-14-1214. 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.

1. Within 5 school days of the date of this Agreement, the District shall contact the Complainant in writing and offer to schedule a meeting to develop a bullying prevention and response plan (Bullying Plan) for the student who is the subject of this complaint (the Student) if the Complainant wants such a plan. By June 22, 2015, the District shall provide OCR with a copy of its written offer to the Complainant and a description and/or copies of any response(s) it received from the Complainant.
2. If the Complainant responds that she wants a Bullying Plan, or if the Complainant later makes a request for such a plan at any time prior to November 20, 2015, the District shall make a good faith effort to schedule a meeting to develop the Plan within 10 school days of the date of the Complainant's response or request.
 - a. In addition to the Complainant and any individuals the Complainant wishes to invite, the District shall ensure that the meeting to develop the Bullying Plan is attended by the XXXX School (the School) principal, the Student's current regular and special education teachers, any related services providers who work with the Student, and any other staff or administrators who may be responsible for implementing the Bullying Plan.
 - b. Attendees shall consider input from the Complainant and School personnel, reports of alleged bullying or harassment involving the Student from the previous and current school years, the Student's IEP, and the Student's special education evaluations, including privately obtained evaluations.
 - c. The Bullying Plan shall include strategies to prevent peer bullying/harassment of the Student, including peer bullying/harassment based on the Student's disabilities or triggered by behavior that is related to the Student's disabilities. The Bullying Plan shall also include clear steps for School staff to follow when the Complainant or Student report an incident of alleged bullying/harassment or an incident is witnessed by School staff, including procedures for notifying the Complainant, investigating the alleged incident, and putting measures in place to ensure the Student's safety, stop any verified bullying/harassment, and address its effects. The Bullying Plan shall designate a point of contact for the Complainant to report alleged bullying/harassment or concerns related to the implementation of the Bullying Plan.
 - d. If the School declines to include in the Bullying Plan any strategies or measures recommended by the Complainant, it shall document its reasons in writing.
 - e. Within 5 school days of the meeting to develop the Bullying Plan, the District shall provide a copy of the Bullying Plan to OCR for OCR's review and approval, as well

as its written explanation of why it denied any of the Complainant's recommendations.

3. If the Bullying Plan is approved by OCR prior to the beginning of the 2015-2016 school year, the School shall conduct a training session prior to or within 5 school days of the beginning of the 2015-2016 school year for all staff that will interact with the Student on a regular basis during the 2015-2016 school year to ensure that such staff understand their responsibilities under the Bullying Plan. If the Student attends summer school in summer 2015 and the Bullying Plan is approved by OCR prior to the beginning of the summer school session, the District shall also conduct a separate training session during summer school for staff who interact with the Student in the summer school program. If the Bullying Plan is approved by OCR after the beginning of the 2015-2016 school year, the School shall conduct the training session within 10 school days of OCR approving the Plan. Within 10 days of any training session, the District shall provide verification to OCR and a list of staff in attendance at the session.
4. The District shall provide a report to OCR documenting its implementation of the Bullying Plan by December 31, 2015. The report shall include a description of the School's implementation of the strategies listed in the Bullying Plan and a list of any alleged incidents of bullying/harassment reported to the School or witnessed by School staff between the beginning of the 2015-2016 school year and winter break. For each alleged incident, the reports shall describe the School's response and enclose any relevant investigation records.
5. If the Complainant does not make a request for a Bullying Plan prior to November 20, 2015, the District is not required to implement items 2-4 of this Agreement. However, the District understands that if it observes or receives reports that the Student is being bullied or harassed on the basis of disability in the future, it has an obligation to investigate and respond appropriately, which may include the development of a Bullying Plan regardless of whether the Complainant makes a request for such a plan.
6. The District shall revise its Bullying Prevention Policy (Policy) and/or Student Grievance Procedures (Procedures) to address and clarify the duplication, interaction, and distinctions between the investigation procedures described in the Policy and the investigation procedures described in sections 2405.4 and 2405.5 of the Procedures, and to correct any inconsistencies. The District shall submit draft revisions to OCR for review and approval within 90 calendar days of the date of this Agreement. Within 15 calendar days of OCR's approval, the District shall provide verification to OCR that it published the revised document(s), posted the revised document(s) on its website, and disseminated the revised document(s) to school administrators and relevant central office staff along with a notice explaining the revisions.
7. After OCR's approval of the revisions, the District shall develop a plan to provide training for XXXX School administrators, teachers, and instructional support staff on the Policy and Procedures, as well as OCR's October 26, 2010 and October 21, 2014 Dear Colleague Letters on bullying and harassment. The training shall specifically address the

application of these policies to disability-based peer bullying/harassment and shall provide information to XXXX School staff on how to recognize when peer bullying/harassment may be related to a student's disability and how staff should respond. The District shall provide the proposed training plan and materials to OCR within 15 calendar days of OCR's approval of the revisions. After OCR approves the training plan, the District shall conduct the training within 15 school days and provide a copy of the sign-in sheet to OCR.

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 regulations implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this case.

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 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 regulations implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in 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 a minimum of sixty (60) calendar days to cure the alleged breach.

By: _____/S/_____ Date: _____6/18/15_____

Ms. Kaya Henderson
Chancellor
District of Columbia Public Schools