

**RESOLUTION AGREEMENT**  
**District of Columbia Public Schools**  
Complaint No. 11-15-1105

District of Columbia Public Schools (DCPS) agrees to fully implement this Resolution Agreement (Agreement) to resolve the above-referenced complaint.

1. This Agreement does not constitute an admission by DCPS of any 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.
2. Full implementation of this Agreement by DCPS resolves the allegations in, and OCR's compliance concerns regarding, the above-referenced complaint.
3. All actions taken by DCPS pursuant to this Agreement will comply with the requirements of Section 504 and Title II.
4. By October 6, 2015, DCPS will contact the Student's parents by letter sent via certified mail and ask them if they would like DCPS to consider providing the Student with compensatory or remedial education services for the time period the Student did not receive appropriate related aids or services in the 2014-2015 school year and based on the removal of the Student from the XXXX School Spanish immersion program in Fall 2014.

**Reporting Requirement:**

By October 30, 2015, DCPS will provide OCR a copy of the letter sent to the parents referenced in Provision 4 (above) and a copy of their response. If the parents do not respond in writing, DCPS will provide a written statement describing their response.

5. If the Student's parents would like DCPS to consider providing the Student with such services, DCPS will invite them to attend a meeting, which will take place by November 18, 2015, with a group of individuals who are knowledgeable about the Student and her Fall 2014 coursework with the purpose of developing a plan for providing compensatory or remedial services to the Student for the time period the Student did not receive appropriate regular or special education or related services in the 2014-2015 school year and based on the removal of the Student from the [XXXX](#) School Spanish immersion program in Fall 2014. The group will develop a plan for providing timely compensatory or remedial services with a completion date not to extend beyond December 18, 2015. The

District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

**Reporting Requirements:**

- a. Within one week of the meeting, DCPS will submit to OCR a copy of, meeting minutes or similar documentation from the meeting referenced in Provision 5 (above), including an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to the Student, and the notice of due process. OCR will review the documentation submitted to ensure that DCPS met the procedural and other requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.
  - b. By January 18, 2016, DCPS will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided pursuant to Provision 5, if any, a description of what was provided, and the names of the service providers.
6. If the Student is again enrolled in a DCPS school within two years of the date of this agreement, DCPS will, within 30 days of DCPS's receipt of the parent's consent:
- a. Evaluate the Student to determine if she is a student with a disability under Section 504 or Title II and, in doing so, it will: (a) draw upon a variety of sources; (b) document and carefully consider the medical and other information obtained from all sources; (c) ensure that any Section 504 Plan, Individualized Education Program or Behavior Implementation Plan is developed by a group of individuals knowledgeable about the Student, the meaning of the evaluation data, and the placement options; and (d) notify the Student's parents of their due process rights; and
  - b. If the Student's parents express an interest in enrolling the Student in a Spanish immersion program, include the Student in such a program if she meets the established program prerequisites, if any, e.g., one or two prior years of participation in a Spanish immersion program or a particular level of fluency with the Spanish language.

