

**RESOLUTION AGREEMENT**  
**District of Columbia Public Schools**  
*OCR Case No. 11-17-1400*

District of Columbia Public Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-17-1400. This Agreement does not constitute an admission by the District of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) or Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

**Part A:**

1. By January 12, 2018, after providing proper written notice to the Student's parent/guardian, the District will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the parent/guardian, with the purpose of considering whether the Student is owed compensatory and/or remedial services, for the time period the Student did not receive appropriate regular and/or special education or related services, from XXXX to XXXX, as a result of missing instructional time due to the late arrival of the bus. In the event the group determines compensatory and/or remedial services are owed, the group shall develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 13, 2018. The District will provide the Student's parent/guardian with 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, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to the Student, the notice of procedural safeguards, the written invitation to the Student's parent/guardian, and a list of meeting attendees. OCR will review the documentation submitted to ensure that the District 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. Within 10 calendar days after receiving OCR's approval, the District will provide the Student's parent/guardian with written notice of the outcome of the meeting, including an explanation for decisions made and a description of and schedule for providing compensatory and/or remedial services (if any) to the Student. The District will provide a copy of this written notice to OCR. The District may provide the Complainant with an Independent Authorization and a Guide of Providers that the Complainant can choose from to obtain the services independently, the cost of which will be paid for by the District, and a deadline for the Complainant to access the services of no earlier than June 13, 2018.

- c. By June 22, 2018, the District will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s). If the services are provided independently through an Independent Authorization, the District shall be responsible for providing to OCR (either directly, or indirectly through the independent provider) the above information or an explanation regarding why the services were not provided.

**Part B:**

2. By January 31, 2018, the District will convene a group of School staff, including all relevant teachers and staff,<sup>1</sup> to assess whether any of the other XXXX students who rode Bus Route XXXX to the School, between XXXX and XXXX, were denied a free appropriate public education (FAPE) as a result of the school bus repeatedly arriving late.

Reporting Requirement:

- a. Within one week of the meeting, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation for decisions made.
3. In each case where the group determines that a student was denied a FAPE, the District will convene a team of persons knowledgeable about that student, within 10 calendar days, with the purpose of developing a plan for providing compensatory and/or remedial services to that student for the time period that student did not receive appropriate regular and/or special education or related services, as a result of missing instructional time due to the late arrival of the bus. The team will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 13, 2018. The District will provide that student's parent/guardian with notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirement:

- a. Within one week of each of the meetings, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to the Student, the notice of procedural safeguards, the written invitation to the Student's parent/guardian, and a list of meeting attendees. OCR will review the documentation submitted to ensure that the District 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.

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<sup>1</sup> Relevant teachers and staff include, at a minimum, individuals who taught or worked with the student first thing in the morning, when a delayed school bus would affect instruction time.

- b. Within 10 calendar days after receiving OCR's approval, the District will provide the Student's parent/guardian with written notice of the outcome of the meeting, including an explanation for decisions made and a description of and schedule for providing compensatory and/or remedial services (if any) to the Student. The District will provide a copy of this written notice to OCR.
- c. By June 22, 2018, the District will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

**Part C:**

4. By February 16, 2018, the District will develop a policy/memorandum addressing the District's obligation to ensure that students who repeatedly arrive to school late, and therefore miss significant minutes of appropriate regular and/or special education and related services, due to Office of the State Superintendent of Education Department of Transportation delays, be provided a FAPE.

Reporting Requirements:

- a. By February 23, 2018, the District will provide OCR with a copy of the policy/memorandum for review and approval.
- b. Within 10 calendar days of receiving OCR approval, the District will disseminate the policy/memorandum to school-level Section 504 Coordinators and Special Education Coordinators, with instructions to further disseminate the document to all teachers and staff.
- c. Within 5 calendar days of dissemination, the District will provide OCR with a copy of the correspondence sent to school-level Section 504 Coordinators and Special Education Coordinators.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, 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 Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which was at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close 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: 01/08/2018  
NAME:  
TITLE: