

RESOLUTION AGREEMENT
District of Columbia Public Schools
OCR Complaint No. 11-17-1559

District of Columbia Public Schools (the District) agrees to fully implement this Resolution Agreement (the Agreement) to resolve the allegation(s) investigated in Office for Civil Rights (OCR) Complaint No. 11-17-1559. This Agreement does not constitute an admission by the District of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

Action Item A: The Student

By December 1, 2020, after providing proper written notice to the Student's parent/guardian (the Parent), and making all reasonable efforts to include the Student's Parent, the District will convene a group of persons knowledgeable about the Student to determine whether the Student was denied a free appropriate public education (FAPE), during the XXXX-XXXX school year, as a result of any failure by the District to reevaluate the Student in a timely manner and with respect to incidents of restraint and seclusion, including any missed educational instruction/services due to the repeated use of restraint and/or seclusion during the XXXX-XXXX school year. If so, the group will assess whether there are any remedies available to the Student, including with respect to compensatory services, and the group will create a plan to provide the compensatory education services and/or remedial measures to the Student, to be provided at no cost to the Parent, by the end of the 2020-2021 school year. The District will provide the Parent with written notice of the outcome of 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, and notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

1. By December 15, 2020, 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, and a list of meeting attendees. The District will also submit to OCR a copy of the written invitation to the Parent, the notice of procedural safeguards, and a copy of the notice of the outcome of the meeting that was provided to the Parent. 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.
2. By July 31, 2021, if applicable, the District will provide documentation to OCR of the following: (a) the dates, times, and locations that compensatory and/or remedial services were provided to the Student; (b) a description of what was provided; and (c) the name(s) of the service provider(s).

Action Item B: Section 504/Title II FAPE and Retaliation Training

By December 31, 2020, the District, or OCR, will provide training¹ to personnel within the District’s Department of Specialized Instruction, which is responsible for students receiving special education and/or related aids and services to students with individualized education programs (IEPs). The District will also ensure the participation of personnel responsible for providing such aids and services to students with disabilities in the training, including, but not limited to, Nonpublic Placement Specialists and individuals responsible for the administration and coordination of students’ Section 504 Plans. The training will address the District’s obligations to provide a free appropriate public education (FAPE) to students with disabilities, to conduct a periodic reevaluation of such students, to consider all evaluative data prior to revising a student’s IEP, Section 504 Plan, or other program/plan, and to comply with procedural requirements of Section 504, particularly as they relate to restraint and seclusion, as described in Section 504, at 34 C.F.R. §§ 104.33-104.35. The training will also discuss Section 504 and Title II’s prohibition against retaliation. The District will ensure that at a minimum, the training will discuss how restraint and/or seclusion may deny a student FAPE; and, in matters regarding the use of restraint and/or seclusion, the District’s obligation to reconvene a student’s Section 504 or Individualized Education Program team to:

1. Determine if current interventions and supports are being properly implemented;
2. Determine the extent to which additional or different interventions or supports and services, including positive behavioral interventions and supports and other behavioral strategies may be needed, and, if necessary, reevaluate the student;
3. Ensure that any needed changes are made promptly; and,
4. Remedy any denial of FAPE.

Reporting Requirement:

By January 15, 2021, the District will provide OCR with documentation confirming completion of the required training, including: (a) the name of the individual(s) who conducted the training and their qualifications; (b) the date(s) of the training session(s); (c) all training materials; and, (d) a sign-in sheet including a list of the names, signatures, and position titles of the District personnel who participated in each training session.²

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 the 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

¹ The District may provide an in-person, video, or virtual training; however, the District will ensure that the format used provides participants with an opportunity to ask questions or request clarification of the appropriate District personnel on the material presented.

² If the District would like OCR’s feedback on the proposed training in advance, it may provide OCR with a draft copy of the training materials at least twenty-one (21) calendar days before the scheduled date of the training.

and obligations of this Agreement. Upon the District’s satisfaction of the terms and obligations of this Agreement, OCR will close this case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statutes and regulations. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

By: _____/s/_____ Date: 10/2/2020
XXXXX
District of Columbia Public Schools