

RESOLUTION AGREEMENT
District of Columbia Public Schools
OCR Complaint No. 11-19-1146

District of Columbia Public Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve the allegation(s) investigated in Office for Civil Rights (OCR) Complaint No. 11-19-1146. This Agreement does not constitute an admission by the District of a violation 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.

Action Item A: Compensatory Education

By October 1, 2019, after providing proper written notice to the Student and the Student's parent/guardian, the District will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the Student and the Student's parent/guardian, with the purpose of determining whether the Student requires compensatory and/or remedial services for the 2018-2019 school year. If the group determines that compensatory and/or remedial services are required, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond December 30, 2019. If the group is unable to reach a unanimous decision the consensus of the group will be the final determination. The District will provide the Student and the Student's parent/guardian 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. 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 and the Student's parent/guardian, and a list of meeting attendees. The District will also submit to OCR a copy of the written invitation to the Student's parent/guardian and a copy of the notice of the outcome of the meeting that was provided to the Student's parent/guardian. 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 March 31, 2020, and if applicable, the District will provide documentation to OCR that it provided payment/reimbursement for compensatory and/or remedial services to be provided, a description of what was provided, and the name(s) of the service provider(s). If the parent does not notify the District by December 30, 2019 of the selected provider, the District will not have obligation to provide payment.

Action Item B: Training

By September 15, 2019, the District will provide training to XXXX (the School) staff, including teachers, administrators, and any other School/District personnel (deemed necessary by DC Public Schools) responsible for determining whether services are necessary for a student with a disability at the School. The training, at a minimum, will emphasize:

- a. The District’s obligations to identify and evaluate students believed to have disabilities and to provide a free appropriate public education (FAPE) to students with disabilities, specifically, by developing and implementing a Section 504 Plan, Individualized Education Program (IEP), and/or Functional Behavioral Assessment (FBA) as necessary, in accordance with the procedural requirements set forth in 34 C.F.R. §104.35(c).
- b. The District’s obligations to periodically reevaluate a student who has been provided regular or special education and/or related aids and services, including whether there is information suggesting that a student’s educational program is not meeting the student’s individual needs and whether further evaluation or revisions to the student’s Section 504 Plan, IEP, FBA, or placement are necessary, in accordance with the procedural requirements set forth in 34 C.F.R. § 104.35(d).
- c. The District’s policies and procedures prohibiting discrimination on the basis of disability, including retaliation against any individual who asserts rights or privileges under federal civil rights laws, including Title II and Section 504, or who files a complaint, testifies, assists, or participates in a proceeding under Title II and/or Section 504.

Reporting Requirements:

1. By August 15, 2019, the District may voluntarily submit to OCR an outline of the content of the training and the name and credentials of the individual who will present the training to School staff.
2. By October 15, 2019, the District will provide written documentation to OCR demonstrating that the training was provided consistent with Action Item B above, including the following:
 - a. The name(s) of the individual(s) who conducted the training;
 - b. A list of the individuals who attended the training and their positions;
 - c. The date(s) the training was conducted; and
 - d. Copies of any agendas or training materials disseminated.

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 and obligations of this Agreement. Upon the District’s satisfaction of the commitments made under 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 statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By: _____ Date: _____
Conchita Hudson-Hall
Chancellor Designee
District of Columbia Public Schools