

RESOLUTION AGREEMENT
District of Columbia Public Schools
OCR Case Number 11-25-5901

District of Columbia Public Schools (the District) agrees to resolve the above-referenced directed investigation initiated by the U.S. Department of Education, Office for Civil Rights (OCR), by continuing its on-going efforts and fully implementing this Resolution Agreement. 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.

Action Item 1 – Designated Administrator to Ensure Implementation of this Agreement

- A. The District will designate an administrator (Plan Administrator) who will oversee the implementation of this Agreement. The District will ensure that the Plan Administrator is a District-level administrator who has Section 504 and Title II expertise.

Reporting Requirements:

- a. Within 5 calendar days of the signing of this Agreement, the District will provide for OCR's review and approval, based on the requirements outlined in Action Item 1(A), the qualifications, position roles and responsibilities, and support structure for the Plan Administrator identified in Action Item 1(A) above.
- b. Within 10 calendar days of OCR's approval, the District will provide OCR with the name and contact information for the Plan Administrator.

Action Item 2 – Central Office Responsible for Serving Students with Disabilities

- A. The District will establish a single office/division responsible for overseeing the District's provision of services to students with disabilities (Disability Services Division), including under Section 504 and Title II. This office will be staffed by administrators knowledgeable about Section 504 and Title II, as well as other applicable laws related to students with disabilities such as the Individuals with Disabilities Education Act (IDEA), and will have responsibility for overseeing and coordinating all aspects of disability-related services. All other offices within the District that have responsibility for disability-related services, including those related to mental health and transportation of students with disabilities, shall report directly to the Disability Services Division. The responsibilities of the office will include:
1. Ensuring that the District is promptly referring all students who need or may need special education or related aids and services, including students experiencing behavior or mental health concerns, for evaluation under Section 504 (which encompasses all evaluations under the IDEA);
 2. Ensuring that all students who need or may need special education or related aids and services, including students experiencing behavior or mental health concerns, are evaluated to determine eligibility for special education or related services in a reasonably prompt manner;

3. Ensuring that a group of people knowledgeable about the student, the meaning of the evaluation data, and the placement options evaluate all areas of concern, including behavior and mental health concerns;
4. Ensuring that a group of people knowledgeable about the student, the meaning of the evaluation data, and the placement options develop individualized plans that are based on students' individual disability-related needs in a reasonably prompt manner;
5. Ensuring that individualized plans address all of a student's disability-related needs, including, as appropriate, the academic, behavior, mental health, and related service needs (for example, speech and language, occupational therapy, and physical therapy services);
6. Ensuring that Multi-Tiered System of Support (MTSS) and any other interventions do not delay, replace, or deny an evaluation of any student who needs or may need special education or related aids and services;
7. Providing oversight and coordination of transportation-related services in Individualized Education Programs (IEPs) and Section 504 plans, as described further in Action Item 5(A);
8. Ensuring consistency at each District school in the implementation of the District's policies and procedures related to serving students with disabilities, including designation of an individual staff member(s) at each school to serve as Section 504 Coordinator and Special Education Coordinator who will be responsible for overseeing all aspects of addressing student academic, behavioral, and mental health concerns;
9. Designation of one individual at each school to fulfill the transportation responsibilities at the school level (School Transportation Coordinator) as described in Action Item 5; and
10. Providing annual training (as described in Action Items 4(A) and 4(B) below) to all District staff with responsibility for serving students with disabilities.

Reporting Requirements:

- a. Within 5 calendar days of the signing of this Agreement, the District shall submit to OCR for review and approval a proposed structural plan to implement Action Item 2(A). The plan shall include detailed staffing information, including position descriptions for all staff serving in the Disability Services Division, and a plan, including a timeline, for filling each position with qualified staff. The plan will also include details about the oversight and coordination with each School's Section 504 Coordinator, Special Education Coordinator, and Transportation Coordinator.
- b. Within 90 days of OCR's final approval of the plan in Action Item 2(A), the District will submit to OCR documentation that demonstrates that the District has: (i) established the Disability Services Division with the required staff; (ii) shared the approved plan and timeline for implementation with relevant staff; and (iii) provided guidance to relevant offices about coordination and communication within the office.

Action Item 3 – Revision of Policies and Procedures Related to Serving Students with Disabilities

- A. The District will revise its policies and procedures related to the items outlined in Action Item 2 (A) above with respect to the identification, evaluation, and placement of students with disabilities, to ensure that they are consistent with Section 504 and Title II. The policies and procedures will be streamlined to the greatest extent practicable, and will all be made available as links on a single District webpage. This webpage will also include a summary of each weblink that is clear and understandable to the public.

The policies and procedures will also address the following:

1. A timeframe for the identification, evaluation and placement of students with disabilities that is consistent with the timeframes outlined in the IDEA, and that makes clear that evaluations must be done promptly and not delayed or denied by interventions such as MTSS;
 2. A student's refusal of a related service, without more, is not a sufficient justification for failing to approve a future service or rescinding a current service from a Section 504 plan or IEP;
 3. All evaluations must be individualized to a student's specific disability-related needs, that a concern of "overaccommodation" shall not play a role in determining the appropriateness of a Section 504 or IEP team, and that individualized related services created consistent with Section 504 do not provide students with an unfair advantage over their peers or hinder the development of critical compensatory and self-advocacy skills;
 4. If District social workers do not have the capacity to serve students with disabilities who require Behavior Support Services (BSS), the District must nonetheless ensure that the students receive a free and appropriate education (FAPE), including providing those students with compensatory services as necessary; and
 5. If an IEP or Section 504 team determines that a student with a disability who receives transportation services is not receiving a FAPE, an IEP or Section 504 team will determine to what extent a student should be provided compensatory services, and inform parent/guardians of the opportunity to receive travel reimbursement from OSSE, if relevant.
- B. The District will review all publications posted on the District's website (including all guidebooks, training materials, forms, and public facing documents and websites) that address Section 504 and Title II, including all publications pertaining to special education, interventions, mental health, and behavior, to ensure that the current publications are consistent with Action Item 3(A). For any publications that are no longer current, the District will either remove them from their website or indicate prominently on the document that the document is no longer in effect.
- C. After OCR's approval of the revised policies and procedures, the District will prepare a notification to be disseminated to parents/guardians and published prominently on the District's website summarizing the substantive changes made to the policies and

procedures pursuant to Section 3(A) and Section 5 of this Agreement along with links to the policies and procedures.

Reporting Requirements:

- a. By no later than June 30, 2026 , the District will provide a draft of its polic(ies) and procedure(s) developed in accordance with Action Item 3(A) for OCR's review and approval.
- b. Within 30 calendar days of OCR's approval of the revised polic(ies) and procedure(s), and after incorporating all feedback from OCR regarding any deficiencies with respect to Action Item 3(A), the District will formally adopt and implement the polic(ies) and procedure(s) described in Action Item 3(A).
- c. Within 15 calendar days of OCR's approval of the revised policies and procedures, the District will submit to OCR for review and approval a draft of the statement required by Action Item 3(C). The District will incorporate OCR's feedback regarding any deficiencies with respect to Action Item 3(C).
- d. Within 15 calendar days of OCR's approval of the statement, the District will provide documentation to OCR demonstrating that the revised policy and procedures were adopted, implemented, published in relevant publications (inserts may be used pending reprinting of these publications), and disseminated to staff, schools, and parents, along with the statement required by Action Item 3(C).

Action Item 4 – Training

- A. The Disability Services Division established pursuant to Action Item 2(A) above will provide annual training beginning no later than October 15, 2027 to all District level staff as well as each schools' Transportation, Section 504, and Special Education Coordinators and other school level administrators, on the District's revised policies and procedures for serving students with disabilities, developed consistent with Action Items 3 above and 5(A) below. At a minimum, the training will address the following:
 1. The requirement to refer all students who need or may need special education or related aids and services, including students experiencing behavior or mental health concerns, for evaluation under Section 504 and/or the IDEA;
 2. The requirement to promptly evaluate all students who need or may need special education or related aids and services, including students experiencing behavior or mental health concerns, to determine eligibility for special education or related services in a reasonably prompt manner. This will include prompt consideration of whether students receiving interventions through MTSS should be referred for evaluation under Section 504 and/or the IDEA.
 3. The requirement that evaluation and placement decisions be made by a group of people knowledgeable about the student, the meaning of the evaluation data, and the placement options in all areas of concern, including behavior and mental health concerns;

4. The requirement that eligibility and placement decisions be made on an individualized basis;
 5. The requirement that individualized plans must address all of a student's disability-related needs, including academic, behavior, mental health, and related services needs (for example, speech and language, occupational therapy, and physical therapy services);
 6. The process for securing transportation-related services required by IEPs and Section 504 plans and provided by OSSE;
 7. That real-time bus arrival times will be consistently tracked by the School Transportation Coordinator and that any arrival bus delays to schools will be recorded and conveyed to a student's Section 504 or IEP team in a prompt manner;
 8. The responsibility of Section 504 and IEP teams to address the impact of disruptions in transportation services on a students' receipt of FAPE through, for example, the provision of compensatory services;
 9. That there is no requirement to implement academic, behavior, or mental health interventions for any length of time before a student is referred for evaluation, and that evaluations may not be contingent on the implementation of interventions;
 10. That mental health can be a qualifying disability under Section 504 and is thus entitled to an evaluation as appropriate, even when trauma and lack of resources are also present; and
 11. That a student's refusal of a related service, without more, is not a sufficient justification for failing to grant or rescinding that service from a Section 504 plan or IEP.
- B. The Disability Services Division will develop training materials that address all items listed under Action Item 4(A) to be used by school level Section 504, Special Education Coordinators, and Transportation Coordinators on at least an annual basis to train all school staff who serve students.

Reporting Requirements:

- a. Within 60 calendar days of the District's formal adoption of the approved policies in Action Item 3(A), the District will submit to OCR, for OCR's review and approval, a copy of the proposed training materials as outlined in Item 4(A) and Item 4(B), the name(s), position title(s), and qualifications of the individual(s) who will conduct the training.
- b. Within 30 calendar days of receiving OCR's approval, the District will conduct the training as outlined in Item 4(A) and Item 4(B), and provide verification to OCR, including: (i) the name of the individual(s) who conducted the training; (ii) the date(s) of the training session(s); (iii) all training materials; and (iv) a record of the participants with the names, signatures, and position titles of the District personnel who participated in each training session.

Action Item 5 – Transportation Policy for Students with Disabilities

- A. The Disability Services Division, as described in Action Item 2(A), will develop policies and procedures relating to the processing of transportation requests, bus delays and cancellations, and safety incidents for students with disabilities, that ensure the following:

District Structure

1. That the Disability Services Division designates a Transportation Coordinator (the District Transportation Coordinator) to provide oversight, coordinate, and serve as the point of contact regarding transportation issues involving parents/guardians, school transportation coordinators, and/or OSSE;
2. That each District school designates an individual staff member to serve as the School Transportation Coordinator;
3. That OSSE is provided with the name and contact information of the District Transportation Coordinator as well as the name and contact information of each School Transportation Coordinator, to be updated at a minimum on an annual basis;

Transportation Requests

4. That School Transportation Coordinators are provided with all necessary instructions and information to timely and accurately submit transportation request forms to OSSE;
5. That School Transportation Coordinators provides timely, accurate, and consistent communication to OSSE and conveys timely, accurate, and consistent information from OSSE to parents/guardians and District/schools staff regarding the initiation and provision of transportation services;

Delays and Cancellations

6. That a staff member from each school in the District record, to the minute and on a daily basis, the time that each bus for that school arrives at the school, and conveys those recorded times to the School Transportation Coordinator on, at a minimum, a weekly basis, to input into a log as outlined in #9 below;
7. That all School Transportation Coordinators maintain accurate and current information regarding bus routes for students and update the list as necessary to ensure accuracy;
8. That each School Transportation Coordinator conveys on at least a monthly basis all bus arrivals after the start of the instructional day, including the specific dates of the delays and the length of the delay to each students' respective Section 504/IEP team, including the parent/guardian, so that the team can consider the impact of transportation related service disruptions on the students' receipt of FAPE;
9. That School Transportation Coordinators keep an updated log of all arrival times for every bus at the school, whether the bus was delayed, and the length of the delay, and that it conveys this information to the District Transportation Coordinator at least monthly;
10. That the District Transportation Coordinator review on a monthly basis all delays to assess whether patterns or other issues exist, including whether this must be conveyed to OSSE, to assess the accuracy of the logs by cross-checking the

information with any complaints from parents/guardians, and to ensure that any patterns or other issues are addressed and rectified immediately.

Safety Incidents on Buses

11. Reports of safety incidents on buses received by the District are processed and recorded by the School Transportation Coordinator, including reports of safety incidents from parents, school-level-staff, district-level staff, and OSSE;
12. That School Transportation Coordinators promptly communicates reports of safety incidents on buses received by the District to the Section 504 Coordinator and/or Special Education Coordinator at the school so that the Section 504 or IEP team can consider the impact of the safety incident on the students' receipt of FAPE;
13. That School Transportation Coordinator conveys all bus safety incidents to the District Transportation Coordinator no more than one week following the incident, including the name(s) of all students/staff members involved, the date of the incident, a description of the incident, the school's response, and date when the Section 504/IEP team was notified; and
14. That the District Transportation Coordinator maintain information about safety incidents received by the District that includes the name(s) of all students/staff members involved when available, the date or approximate date of the incident, a description of the incident, the school's response, and date when the Section 504/IEP team was notified. The District Transportation Coordinator will ensure that all safety incidents reported to the District are considered for FAPE purposes by the student's IEP or Section 504 team. The District Transportation Coordinator will review safety incidents reported to the District to identify any patterns and will convey information to OSSE as appropriate.

Reporting Requirements

- a. By no later than June 30, 2026 , the District will provide a draft of its transportation policies and procedures developed in accordance with Action Item 5(A) above for OCR’s review and approval.
- b. Within 30 calendar days of OCR’s approval of the transportation policies and procedures, and after incorporating all feedback from OCR regarding Action Item 5(A), the District will formally adopt and implement the transportation policy and procedures described in Action Item 5(A). The District will provide documentation to OCR that the transportation policies and procedures were adopted, implemented, published in relevant printed and online publications, and disseminated to relevant OSSE staff, and relevant District administrative staff, School Transportation Coordinators, and parents and/or guardians.
- c. By October 15, 2026 the District will provide evidence that it is tracking, in real time, the arrival times of buses for students with disabilities at each school in the District;
- d. By January 15, 2027 and June 15, 2027, the District will provide a spreadsheet for OCR’s review and approval that will include: (i) the name(s) or a unique identifier(s) of students whose bus arrived at school after school began during the fall or spring semester, respectively; (ii) the number of days that the student was late; (iii) the time the student arrived in school; (iv) whether this information was conveyed to the student’s Section 504/IEP team; (v) whether the IEP/504 team considered this information. Please provide any Prior Written Notices or similar documentation pertaining to the IEP/504 team meeting(s) where the delay was considered and whether, as a result, any compensatory services were provided to the student or any other steps were taken to address the impact of the delay for the student.
- e. By January 15, 2027 and June 15, 2027, the District will provide OCR copies of any complaints or reports regarding safety incidents received by the District on behalf of a student with a disability and a record of steps taken by the District to address any potential FAPE implications.

Action Item 6 – Audit

- A. On a quarterly basis beginning in January 15, 2027 until the end of the 2027-2028 school year, the District will submit to OCR, for OCR’s review and approval, a list of students by name or unique identifier who:
 1. Are receiving interventions through MTSS. Include the nature of the academic, behavioral or mental health concern, the duration of implementation of interventions, and whether the student has been referred for evaluation under Section 504 and/or the IDEA, and if so, the date of referral and status of the evaluation.

2. Are receiving mental health related supports or services, the date the student was identified as needing mental health related supports or services, whether the student has been referred for evaluation under Section 504 and/or the IDEA, and if so, the date of referral and status of the evaluation.
3. Have had their BSS or speech and language services reduced or terminated, including the reasons for the reduction or termination of services.

Reporting Requirement

- a. By January 15, 2027, April 15, 2027, July 15, 2027, October 15, 2027, January 15, 2028, April 15, 2028, and July 15, 2028, the District will provide OCR with a copy of the spreadsheet outlined in Action Item 6(A) above for OCR's review and approval. The District will address any concerns identified by OCR regarding files submitted pursuant to Action Item 6(A) within 30 calendar days.
- b. Within 45 calendar days of a request from OCR for additional documentation regarding the information provided in the spreadsheet outlined in Action Item 6(A) above, the District will provide the documentation to OCR.

By signing this Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. 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 the 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 60 calendar days to cure the alleged breach.

By: /s/

Date: 6/11/2026

Chancellor
District of Columbia Public Schools