

Voluntary Resolution Agreement
District of Columbia Public Schools
OCR Case Number 11-13-1178

The District of Columbia Public Schools (the District) agrees to fully implement this voluntary resolution agreement (Voluntary Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-13-1178. Implementation of the following commitments will resolve the allegations at issue in the above-referenced complaint.

1. <XXXX Paragraph Redacted XXXX>.
2. XXXX or within 5 school days of the provision of updated physician's orders by the Student's Parents/Guardians, whichever date is later, the District will provide the related aids and services necessary for the Student to begin attending school.

REPORTING REQUIREMENT: <XXXX Paragraph Redacted XXXX>.

3. <XXXX Sentence Redacted XXXX>. The Student and her parents, as well as appropriate administrators, special educators, and general educators, will attend this meeting. During this meeting, the re-entry team will:
 - a. Begin the process of formally reevaluating the Student for an Individualized Education Program (IEP) and/or 504 Plan and set dates for completing the evaluation process and for meeting to discuss the findings. The final plan will be completed XXXX. At this meeting, the team will consider whether to incorporate adaptive living goals, strategies, or skills related to feeding and swallowing into the Student's IEP/504 plan based on all relevant information. The team will also consider the appropriate mealtime setting for the Student. The Student's Feeding and Swallowing Plan, as described in item 3.b of this Agreement, will be incorporated by reference into the final IEP/504 plan.
 - b. Any Feeding and Swallowing Plan must ensure, at minimum:
 - i. that the Student will receive appropriate feeding and swallowing support from trained professionals;
 - ii. that appropriate food substitutes and/or additives, equipment and supplies will be provided by the District as necessary for the Student to safely receive adequate nourishment and hydration from school-provided meals, per her physician's orders; the District will not be responsible for providing the Student with specific brands, unless required by the doctor's orders; and the District can consult with the physician to ensure that it is providing the appropriate items;
 - iii. that the District will provide yearly training to all relevant School staff, as well as prompt training for School staff hired during the school year, listed

on the Student's Feeding and Swallowing Plan as well as on the signs and risks of silent aspiration, for as long as the Student remains enrolled in the District. <XXXX SENTENCE REDACTED XXXX>;

- iv. that the District will provide additional training to staff if/when modifications are made to the Student's Feeding and Swallowing Plan, within 7 school days of receiving the modifications from the Student's physician; and
- v. designated School staff responsible for implementing each element of the plan, as well as a staff member to oversee and coordinate the implementation of the plan generally.

REPORTING REQUIREMENT: Within 7 school days of the meeting referenced in item 3, the District will provide OCR with documentation confirming the actions taken, including: the date on which the meeting was held, a list of the individuals present at the meeting, a record of what was discussed, a record of the determination reached by the re-entry team, and a description of the team's rationale for its decisions. The District will provide OCR with copies of all documents related to the Student's reevaluation and a copy of the final plan for the student within 5 school days of the completion of each.

REPORTING REQUIREMENT: Within 7 school days of the implementation of the Student's Feeding and Swallowing Plan, the School will schedule the training referenced in item 3.b.iii and 3.b.iv. Within 5 school days following the training referenced in item 3.b.iii, and within 5 school days of any training provided pursuant to item 3.b.iv, the School will provide copies of sign-in sheets to OCR, along with the name and qualifications of the person(s) providing the training and a description of the content of the training.

4. The District will convene a group of knowledgeable people in order to calculate the amount of missed services it must provide to the Student related to any adaptive living goals, strategies, and services related to feeding and swallowing that should have been provided to the Student XXXX. The District will also calculate the amount of missed educational and related services it must provide to the Student for the school days the Student missed due to the lack of an appropriate feeding and swallowing plan. The District will offer these missed services to the Student's parents XXXX. The District should take into account the following when determining the amount and nature of the missed services that will be provided to the Student:
 - a. the Student's IEP goals;
 - b. District attendance records for the Student;
 - c. input, including any documentation, provided by the Student's parents;
 - d. the curriculum/educational program implemented in the Student's classroom and in the ESY program;
 - e. any communications between the Student's parents or attorney and the District regarding the Student's time out of school and her educational needs;
 - f. <XXXX SENTENCE REDACTED XXXX>; and

g. <XXXX SENTENCE REDACTED XXXX>.

REPORTING REQUIREMENT: Within 10 school days following the convened meeting date, but not later than January 17, 2014, the District will provide OCR with a calculation of the number of hours of missed services it is required to provide the Student, and with a plan of action for providing those services.

REPORTING REQUIREMENT: Within 10 school days of the completion of missed services, the District will provide OCR with written confirmation that missed services have been fully provided to the Student.

5. <XXXX SENTENCE REDACTED XXXX>. The District will also compensate the Student's parents for any costs not covered by the parents' insurance or Medicare incurred in the process of obtaining a Modified Barium Swallow Study for the Student. XXXX SENTENCE REDACTED XXXX>.

REPORTING REQUIREMENT: Within 10 school days of the parents being compensated, but not later than March 1, 2014, the District will provide OCR with written confirmation that the Student's parents have been compensated for XXXX any costs associated with obtaining a Modified Barium Swallow Study for the Student.

6. The District will revise its Swallowing Guidelines, with input from the American Speech-Language-Hearing Association (ASHA), to comport with the requirements of Section 504 and its implementing regulation, including but not limited to: identification of the appropriate legal standards and authority; standards for implementing students' feeding and swallowing plans; identification of the District's responsibilities to students with feeding and/or swallowing disorders; incorporation of feeding and swallowing plans into IEPs and 504 Plans; and identification of the District personnel who will be responsible for coordinating and overseeing all aspects of students' feeding and swallowing plans.

REPORTING REQUIREMENT: By February 7, 2013, the District will provide OCR with a draft of its new Swallowing Guidelines for OCR's review and approval.

REPORTING REQUIREMENT: Within 30 days of receiving approval of the proposed Swallowing Guidelines, the District will provide OCR with written confirmation that it has published these Guidelines on the District's internal web portal utilized by DCPS personnel, that it has also provided notice to District personnel and to parents/guardians of all students in the District of the availability upon request of the revised Guidelines.

7. For each of the students with feeding and/or swallowing disorders currently enrolled in the District, the School will convene meetings in accordance with 34 C.F.R. §§ 104.35(c) and .36 to determine whether: (1) each student's plan requires revision to comply with Section 504 and its implementing regulation; and (2) each student is eligible to receive missed educational and related services as a result of not receiving related aids and services during the 2012-2013 school year. Within 10 school days of its determinations, if the District finds that the student's plan needs revision, the District will implement a

