

Summary of OCR Agreement Between DCPS and OCR
in Case No. 11255901-b

What changes did DCPS agree to, and by when?

The agreement has 6 action items each with its own designated dates designed to address the deficiencies that OCR found.

Action item 1- Designated Administrator

DCPS will designate a “Plan Administrator” who will oversee the implementation of this agreement. DCPS agreed to share with OCR the qualifications and position roles and responsibilities of the Plan Administrator within 5 days of the agreement's signature on June 11, 2026, meaning that information was due to OCR on or about June 18th, 2026.

OCR then needs to approve the qualifications and position roles and responsibilities of the Plan Administrator. The agreement does not provide a timeline for OCR’s approval of the plan.

Once OCR approves the qualifications and position roles and responsibilities of the Plan Administrator, DCPS has 10 days to provide OCR with the name and contact information of the Plan Administrator.

Action item 2 - Central Office

DCPS will establish a single office/division responsible for overseeing services to students with disabilities (inclusive of students eligible under Section 504 and Title II of the ADA). That office will

1. Ensure that prompt referrals are made
2. Ensure that evaluations are completed promptly
3. Ensure that people knowledgeable about the student, evaluation data and placement options evaluate students in all areas of concern.
4. Ensure that people knowledgeable about the student, evaluation data and placement options develop individualized plans based on the students needs in a prompt manner
5. Ensure that those plans address all areas of need.
6. Ensure that interventions do not delay or replace evaluations for students who may need a plan.

7. Provide oversight and coordination of transportation services
8. Ensure consistency at each DCPS school
9. Designate one person at each school to serve as Transportation Coordinator.
10. Provide annual training.

As discussed above, within 5 days of the agreement's signature on June 11, 2026, meaning that information was due to OCR on or about June 18th, 2026, DCPS needed to provide to OCR for review and approval a plan for implementation of action item 2.

Within 90 days of OCR's approval of that plan for action item 2, DCPS needs to submit to OCR documentation that shows that they have

1. Established a Disability Services Division with required staff
2. Shared the approved plan and implementation with required staff
3. Provided guidance about coordination and communication with Disability Services Division

Action Item 3 - Revise Policies and Procedures

Action Item 3 (A) - DCPS agrees to bring its policies and procedures into alignment with Section 504 and Title II of the ADA. The following specific changes are required

1. Timelines must be revised to bring the identification, evaluation and placement of students with disabilities that is consistent with IDEA and makes it clear that MTSS/other interventions are not a basis for denial or delay.
2. A student's refusal of a related service is not a sufficient reason, on its own, for DCPS to rescind or refuse that service
3. All evaluations must be individualized and that a concern about "overaccommodation" should not play concern in the creation of appropriate plans, nor do they hinder the development of self-advocacy skills
4. If DCPS social workers do have the capacity to serve students with disabilities, DCPS must still ensure those students receive the FAPE they are entitled to, including providing compensatory services as needed
5. If DCPS school teams determine that a student who receives transportation services is not receiving FAPE, then the team will determine what compensatory services the student is entitled to, including informing the family of the availability of reimbursement for the cost of transportation from OSSE if relevant.

DCPS must provide to OCR by June 30th, 2026 a draft of the revised policies and procedures for review and approval by OCR, and must adopt and implement those policies and procedures (including any revisions required by OCR) within 15 calendar days of receiving OCR's approval.

Action Item 3 (B) - DCPS will review all of its publications to determine if they comply with the policies and procedures as revised in Action 3 (A). DCPS agrees to remove any noncompliant documents, or prominently indicate that they are out of date / not in effect.

Action Item 3 (C) - After OCR's approval of the revised policies and procedures, DCPS will notify families of the substantive changes to the policies and procedures.

Within 15 calendar days of receiving OCR's approval of the changes to the policies and procedures, DCPS must also submit to OCR to review and approve a draft of the statement they will share with families regarding the substantive changes to the policies and procedures. Once that statement is approved, DCPS then has 15 days to provide documentation to OCR regarding how the statement and revised policies and practices were disseminated to staff, schools and families.

Action Item 4 - Training

DCPS must provide annual training to all staff who are responsible for serving students with disabilities. The Disability Services Division will provide this training to District-level staff, each school's Transportation, Section 504, and Special Education Coordinators, and other school-level administrators. Annual training must begin no later than October 15th, 2027.

The training must cover DCPS's revised policies and procedures for serving students with disabilities. Among other things, the training will address:

1. Students who need or may need special education or related services, including students with behavioral or mental health concerns, must be referred for evaluation.
2. Evaluations must be completed in a reasonably prompt manner, and interventions to try academic, behavior, or mental health services can't be used to delay an evaluation.
3. Evaluation and placement decisions must be made by people who are knowledgeable about the student, the evaluation data, and available placement options.
4. Decisions about a student's eligibility, placement, and services must be based on that individual student's needs, and plans must address all areas of disability-related need.
5. Staff must understand the process for obtaining transportation services and addressing transportation delays that interfere with a student's education. If a student's ability to receive the education services they are entitled to is disrupted,

for example, a student misses services because of transportation issues, then the school may need to provide make-up or compensatory services.

6. Mental health conditions can qualify as disabilities under Section 504, even when trauma or a lack of resources are also present.
7. A student's refusal of a related service, by itself, is not enough reason to deny that service in the future or remove it from an IEP or Section 504 plan.

The Disability Services Division must also create training materials that school-level coordinators can use to train all school staff who serve students at least once a year.

Within 60 calendar days after DCPS formally adopts the revised policies required under Action Item 3, DCPS must submit its proposed training materials and information about the people who will conduct the training to OCR for approval. Within 30 calendar days after OCR approves those materials, DCPS must conduct the training and provide OCR with documentation showing who conducted it, when it occurred, what materials were used, and which staff members participated.

Action Item 5 - Transportation

As described in Action Item 2(A), the Disability Services Division will develop policies and procedures for processing transportation requests, bus delays and cancellations, and safety incidents for students with disabilities. These policies will ensure that:

1. The Disability Services Division designates a District Transportation Coordinator to oversee, coordinate, and serve as the point of contact for transportation issues involving parents/guardians, School Transportation Coordinators, and OSSE;
2. Each District school appoints a staff member to serve as its School Transportation Coordinator;
3. OSSE receives the name and contact information of the District Transportation Coordinator and every School Transportation Coordinator, updated at least annually;
4. School Transportation Coordinators receive all necessary instructions and information to submit transportation request forms to OSSE accurately and on time;
5. School Transportation Coordinators provide timely, accurate, and consistent communication to OSSE, and pass along information from OSSE to parents/guardians and District/school staff about the initiation and provision of transportation services;
6. A staff member at each school records, to the minute and on a daily basis, the time each bus arrives, and sends those times to the School Transportation Coordinator at least weekly;

7. The School Transportation Coordinator keeps an updated log of every bus's arrival time, whether it was delayed, and the length of the delay, maintains current information on students' bus routes, and sends the log to the District Transportation Coordinator at least monthly;
8. At least monthly, the School Transportation Coordinator reports every bus arrival after the start of the instructional day, including the dates and length of each delay, to each affected student's Section 504/IEP team (including parents/guardians), so the team can consider the impact of transportation disruptions on the student's receipt of FAPE;
9. The District Transportation Coordinator reviews all delays monthly to identify patterns or other issues, decide what must be conveyed to OSSE, check the accuracy of the logs against complaints from parents/guardians, and ensure problems are addressed and rectified immediately;
10. The School Transportation Coordinator records and processes all reports of bus safety incidents received by the District, whether from parents, school-level staff, District-level staff, or OSSE;
11. The School Transportation Coordinator promptly sends these reports to the school's Section 504 Coordinator and/or Special Education Coordinator, so the Section 504 or IEP team can consider the incident's impact on the student's receipt of FAPE;
12. Within one week of an incident, the School Transportation Coordinator reports it to the District Transportation Coordinator, including the names of all students/staff involved, the date, a description of the incident, the school's response, and the date the Section 504/IEP team was notified; and
13. The District Transportation Coordinator keeps a record of all incidents with that same information, ensures every incident is considered for FAPE purposes by the student's IEP or Section 504 team, reviews incidents for patterns, and conveys information to OSSE as appropriate.

a. By no later than June 30, 2026, the District will provide OCR a draft of its transportation policies and procedures for review and approval.

b. Within 30 calendar days of OCR's approval, and after incorporating OCR's feedback, the District will formally adopt and implement the policies. The District will provide OCR documentation that the policies were published in relevant printed and online publications and disseminated to relevant OSSE staff, District administrative staff, School Transportation Coordinators, and parents/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 includes:
- i. The name(s) or unique identifier(s) of students whose bus arrived after school began during the fall or spring semester, respectively
 - ii. The number of days the student was late
 - iii. The time the student arrived at school
 - iv. Whether this information was conveyed to the student's Section 504/IEP team
 - v. Whether the Section 504/IEP team considered this information

The District will also provide any Prior Written Notices or similar documents from IEP/504 team meetings where the delay was considered, including whether compensatory services were provided or other steps were taken to address the impact of the delay.

- e. By January 15, 2027 and June 15, 2027, the District will provide OCR copies of any complaints or reports of safety incidents received on behalf of a student with a disability, along with a record of the steps the District took to address any potential FAPE implications.

Action Item 6 - Audit

DCPS must also provide OCR with ongoing data so that OCR can monitor what is happening to students who may need disability related evaluations or services. Beginning January 15th, 2027 and continuing quarterly through the 2027-2028 school year, DCPS must provide OCR with a list of students, identified by name or a unique identifier, who fall into certain categories.

The information must include students who:

1. Are receiving MTSS interventions. DCPS must report the student's academic, behavioral, or mental health concern, how long interventions have been provided, whether the student has been referred for an evaluation under Section 504 and/or IDEA, and, if so, the date and status of that evaluation.
2. Are receiving mental health support or services. DCPS must report when the student's need for those services was identified and whether the student has been referred for a Section 504 and/or IDEA evaluation, including the date and status of the evaluation.
3. Have had Behavior Support Services (BSS) or speech and language services reduced or terminated. DCPS must report the reasons why those services were reduced or ended.

DCPS must submit this information to OCR on January 15th, April 15th, July 15th, and October 15th in 2027, and January 15th, April 15th, and July 15th, in 2028. If OCR identifies concerns with the information DCPS submits, DCPS has 30 calendar days to address those concerns. If OCR requests additional documentation about the audit, DCPS must provide it within 45 calendar days.

Action Item 6 gives OCR a way to monitor whether some of the problems identified during its investigation are actually changing in practice. Rather than relying only on new policies, OCR will receive information about students experiencing interventions, mental health needs, and reductions in certain services through the 2027-2028 school year. This gives OCR an ongoing opportunity to identify concerns and require DCPS to address them.

See also -

<https://www.aje-dc.org/wp-content/uploads/2026/10/OCR-INVESTIGATION-11255901-b.pdf>

<https://www.aje-dc.org/wp-content/uploads/2026/10/District-of-Columbia-Public-Schools-Resolution-Letter-11255901.pdf>