

Resolution Agreement
Prince William County Public Schools
OCR Complaint No. 11-13-1058

Prince William County Schools (the Division) voluntarily enters into this resolution agreement with the Office for Civil Rights (OCR) to resolve Complaint No. 11-13-1058. This Agreement does not constitute an admission of discrimination or wrongdoing by the Division under Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR. Implementation of the following commitments will resolve all issues in the complaint.

1. The Division will conduct an administrative review of the education records of any student enrolled in PACE East or PACE West schools (the Program) as of the date of Agreement for whom there was more than one occasion where the student was placed in restraint, seclusion, or the reorientation area in either the 2012-2013 or 2013-2014 school years. The purpose of this administrative review is to determine if there is a need to re-evaluate the student; that is, whether there is reason to believe the current placement or services, including behavioral interventions, may not be meeting the student's individual educational needs and/or whether the student may require a different setting in order to satisfy the least restrictive environment requirement. To the extent that a re-evaluation is warranted, it will be conducted consistent with the evaluation, placement, and procedural safeguard requirements of 34 C.F.R. §§ 104.35 and 104.36.
2. If a re-evaluation is conducted and leads to a determination that a student is in need of a change in placement to meet the student's individual behavioral needs, including a change in services or behavioral interventions, in accordance with 34 C.F.R. §§ 104.35 and 104.36, the Division will determine whether the provision of compensatory educational or other types of services are warranted for a student. If compensatory services are warranted, the Division will offer and provide compensatory educational services to that student, as appropriate, along with a timetable for delivery of those services.

Reporting Requirements:

By July 28, 2014, the Division will provide OCR with its screening criteria for how it plans to conduct the administrative review consistent with provision 1 above. At a minimum, the screening criteria will include the number of times each student was placed in restraint, seclusion, or the reorientation area each year, the type of behavior that warranted the use of these emergency procedures, the date of each student's most recent evaluation/re-evaluation, and any other information necessary to determine whether the student requires a re-evaluation.

Within 120 days of OCR's review and approval of the Division's screening criteria, the Division will provide OCR with verification of its review, including the screening criteria considered, the Division's determination of whether the student should be re-evaluated, and its rationale for the determination.

Within 180 days of OCR's review and approval of the Division's screening criteria, with regard to students identified by the Division, if any, who require re-evaluation, the Division will provide documentation (*e.g.*, copies of forms, prior written notices, re-evaluation decisions,

revised plans, if any) to OCR for OCR's review and approval to ensure procedural compliance with 34 C.F.R. 104.35 of the following: (A) that the re-evaluation was proposed and, if the parent provided written consent, conducted; and (B) changes, if any, in placement and/or changes to a student's related aids or services and behavior resulting from the re-evaluation; and, if applicable.

By June XX, 2015, the Division will provide documentation, consistent with provision 2 above, of the process the Division used to determine what, if any, compensatory services are warranted and offered, the parent/guardian's response(s), and verification that any services offered and agreed to were provided or made available.

3. By August 15, 2014, in addition to the individual relief provided under Provision 2 above, the Division will develop a plan to increase opportunities for meaningful educational instruction and access to the curriculum for students who may, at times, need to be removed from the classroom instructional setting for behavioral reasons. The plan will include steps necessary to accomplish the goals of the plan, how the Division proposes to carry out each step, and the estimated date by which each step can be accomplished.

Reporting Requirements:

By August 18, 2014, the Division will submit for OCR's review and approval a draft of its proposed plan consistent with provision 3 above.

By September 15, 2014, the Division will provide OCR with a final version of its revised plan, if any, and any updates regarding implementation of the plan.

4. By September 15, 2014, the Division will provide training or coordinate with OCR to provide training to all Program personnel who work directly with students, including all teachers, administrators, crisis intervention staff, and any other staff responsible for the Division's obligation to provide all Program students with a free appropriate public education (FAPE) under Section 504 and its implementing regulations. The training will address, at a minimum, the Division's responsibility to and its process for identifying whether a student needs to be re-evaluated and the process for re-evaluating students, particularly if a student is repeatedly placed in seclusion or restraint. The training will also review the Division's process for placing students in restraint or seclusion, including the best practice of notifying parents/guardians of every instance where their child was placed in restraint or seclusion.

Reporting Requirement:

By August 15, 2014, the Division will provide for OCR's review a copy of the training materials prepared, including the name(s) and title(s) of the trainer(s), their qualifications, and any handouts or presentations developed.

By September 15, 2014, the Division will submit to OCR the name(s) and title(s) of the trainer(s), the date of the training, the material used or disseminated, and the sign-in sheets indicating the names and titles of participants.

The Division understands that OCR will not close the monitoring of this Agreement until OCR determines that the Division has fulfilled the terms of this Agreement and is compliance with the regulation implementing Section 504, at 34 C.F.R. Sections 104.34 and 104.35, and with Title II, at 28 C.F.R. Section 35, which were at issue in this case. The Division 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 this Agreement. Further, the Division understands that during the monitoring of this Agreement, if necessary, OCR may visit the Division, with proper notice to the Division, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Division has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. Sections 104.34 and 104.35, and with Title II, at 28 C.F.R. Section 35, which were at issue in this case.

The Division understands and acknowledges that OCR may initiate administrative enforcement or refer the case to the Department of Justice for judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the Division written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

Superintendent or designee
Prince William County Public Schools

7/10/2014

Date