

## **RESOLUTION AGREEMENT**

### **Virgin Islands Department of Education Case No. 02-17-1293**

In order to resolve Case No. 02-17-1293, the Virgin Islands Department of Education (the VIDOE) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the following actions pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (the ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the VIDOE.

#### **Action Item 1:**

By October 30, 2017, the VIDOE will send a letter to the complainant to inquire as to whether the complainant intends to enroll the Student in the VIDOE for school year 2017-2018; and, provide the complainant with 30 days to respond. If the complainant responds in the affirmative, then by December 15, 2017, the VIDOE will convene a meeting of a group of persons knowledgeable about the Student, such as the Section 504 team, or the IEP team, to determine whether the XXXX School (the school) is an appropriate placement for the Student, and what, if any related aids and services the Student requires to enable him to attend the school. The group will further determine whether the Student requires remedial and/or compensatory services for the period of time that he did not attend the school from school year 2016-2017 to the present school year, school year 2017-2018. The VIDOE will invite the complainant to attend this meeting. If the group of knowledgeable persons determines that the Student requires remedial and/or compensatory services, the group will develop a plan for providing those services, with a completion date for providing the services not to extend beyond March 30, 2018. If the complainant does not respond in the affirmative to the inquiry, the VIDOE agrees that should the complainant re-enroll the Student in the VIDOE in the future, it will conduct a meeting consistent with Action Item 1, within thirty (30) days of the Student's enrollment.

#### **Reporting Requirements:**

- a) By November 15, 2017, the VIDOE will provide to OCR a copy of the letter sent to the complainant consistent with Action Item 1 above.
- b) If the complainant advises the VIDOE that she intends to enroll the Student in the VIDOE for school year 2017-2018, then by December 31, 2017, the VIDOE will submit to OCR a copy of the meeting minutes or similar documentation for Action Item 1 above; including but not limited to an explanation for decisions made regarding the group's determination regarding the Student's enrollment at the school; any related aids or services the Student requires in order to attend the school; and whether the Student requires remedial and/or compensatory services, with a description of and schedule for providing any such remedial and/or compensatory services to the Student. OCR will review the documentation submitted to ensure that the VIDOE met the procedural

requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

- c) By April 15, 2018, the VIDOE will provide documentation to OCR demonstrating that it has provided the Student with any remedial and/or compensatory services deemed necessary. The documentation should include the dates, times, and locations for any related aids and services provided, and the names(s) of the service provider(s).

### **Action Item 2: Training**

Within forty-five (45) days of the commencement of school for school year 2017-2018, the VIDOE will train all school staff members and administrators who are responsible for enrolling/registering students for admission, regarding the requirements of Section 504 and the ADA with respect to the enrollment of students with disabilities.

If the Student returns to the VIDOE for school year 2017-2018, by January 15, 2018, the VIDOE will provide training to all school staff members and administrators who are responsible for providing/ensuring the provision of the Student's related aids and services to ensure that these staff members and administrators are aware of how to implement these related aids and services.

### **Reporting Requirement:**

- a) Within fourteen (14) days of the training for all school staff members and administrators who are responsible for enrolling/registering students for admission, the VIDOE will submit to OCR documentation demonstrating that the VIDOE provided training to those responsible for enrolling/registering students for admission in accordance with Action Item 2 above; including the name and credentials of the trainer, the date(s) of the training, a description of the material covered, copies of any training materials distributed, and proof of attendance by relevant VIDOE staff.
- b) By January 30, 2018, if applicable, the VIDOE will submit to OCR documentation demonstrating that the VIDOE provided training to those responsible for providing/ensuring the provision of the Student's related aids and services in accordance with Action Item 2 above; including the name and credentials of the trainer, the date(s) of the training, a description of the material covered, copies of any training materials distributed, and proof of attendance by relevant VIDOE staff.

The VIDOE understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the VIDOE understands that during the monitoring of this Agreement, if necessary, OCR may visit the VIDOE, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the VIDOE has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.4, 104.34, 104.35 and 104.36, and the ADA and its implementing regulation at 28 C.F.R. § 35.130. Upon completion of the obligations under this Agreement, OCR shall close this case.

