

**Voluntary Resolution Agreement
Chesterfield County Public Schools
OCR Case No. 11-13-1115**

Chesterfield County Public Schools (“the Division”) agrees to implement this voluntary resolution agreement (“Agreement”) to resolve Office for Civil Rights (OCR) Complaint No. 11-13-1115.

GENERAL PROVISIONS

1. To resolve the above-referenced complaint filed with the United States Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (the ADA) and their implementing regulations, the Division voluntarily enters into this resolution agreement and commits to implement the provisions set forth in this agreement in order to resolve the allegation in this complaint.
2. This Agreement does not constitute an admission by the Division of any violation of Section 504, the ADA, or any other law enforced by OCR.
3. OCR has made no determination that the Division has violated Section 504, Title II, or any other law enforced by OCR. Full implementation of this Agreement by the Division resolves the allegations in OCR Complaint No. 11-13-1115. Consistent with the last two paragraphs of this Agreement, after receipt of the documentation described in the Reporting Requirements of this Agreement, OCR will close this complaint and the monitoring of the Agreement, and OCR’s closure will make no findings of a violation of § 504, Title II, or any other law enforced by OCR.

SUBSTANTIVE PROVISIONS

1. Training on the Division’s Section 504 Evaluation Procedures

By September 30, 2014, the Division will provide Falling Creek Middle School instructional staff training on the requirements of Section 504 and Title II. The training will emphasize the Division’s obligations under Section 504 to identify and evaluate students who need or are believed to need special education and/or related aids and services. The Division will also disseminate a memorandum to all instructional staff and administrators in the Division reminding them of their obligations under Section 504 to identify and evaluate students who need or are believed to need special education and/or related aids and services.

Reporting Requirements: By **October 30, 2014**, the Division will provide OCR with documentation confirming completion of the required training, including: (a) the date of each training session(s); (b) a list of names and titles of the Division and/or School personnel who participated in each training session; (c) the title and qualifications of the trainer; (d) copies of the agenda and training materials disseminated at the training session; and (e) a copy of the memorandum issued to all Division staff regarding special education evaluations.

2. Individualized Student Review

By **March 31, 2014**, the Division will contact the Complainant in writing and offer to re-convene the March 2013 eligibility meeting to determine whether the Student is a student with a disability and is in need of special education and/or related aids and services under IDEA or Section 504. The team will consist of persons who are knowledgeable about the Student, the meaning of any evaluation data and possible placement options (e.g., the related aids and/or services that the Student may or may not need because of any suspected disability). The Division may include a reasonable deadline (no fewer than 15 calendar days) for a response from the Complainant.

If the Complainant accepts the Division's offer and if the Student is subsequently found to be a student with a disability, the team will review the Student's individual circumstances to determine whether the provision of compensatory educational services or other appropriate relief is warranted. If any compensatory services are determined necessary, the Division will offer to provide compensatory educational services to the Student, as appropriate, along with a timetable for delivery of those services.

The Division affirms that the Student was re-admitted to the Division on June 4, 2013. The Division further affirms that there will be no further disciplinary action taken by the Division based upon the disciplinary infraction that occurred on December 6, 2012 should the Student return to the Division and the December 6, 2012 disciplinary infraction will not negatively impact the Student upon any re-admission to the Division. The Division may consider the Student's discipline record from June 4, 2013 through the date of request for re-enrollment to determine eligibility for re-admission. Further, the Student will not be precluded from participating in any future school related extra-curricular activities as a result of the December 6, 2012 disciplinary incident. The Student, however, will be expected to meet all other criteria for participation in extra-curricular activities.

Reporting Requirement: By **April 21, 2014**, the Division will submit to OCR a copy of the letter sent to the Complainant offering to re-convene the March 2013 eligibility meeting.

Reporting Requirement: By **June 30, 2014**, the Division will notify OCR of the Complainant's response to the Division's offer to re-convene the March 2013 eligibility meeting. If the Complainant accepted the offer to reconvene the March 2013 eligibility meeting, the Division will also provide OCR: 1) the results of the team meeting held above; 2) the names and titles of all meeting participants; 3) copies of eligibility meeting summaries; and 4) documentation that the Complainant was provided information satisfying the requirements of 34 C.F.R. § 104.36 regarding the right to challenge any placement decision made by the team by requesting an impartial due process hearing.

By **June 30, 2014**, if the team determines that the Student was eligible for services under Section 504 or the IDEA, the Division will provide documentation of the 504/IEP team's consideration of whether the Student was entitled to compensatory education services. If such services were determined necessary, the Division will provide documentation that those services were offered

and, if applicable, provided to the Student. If the team determines that the Student was not entitled to compensatory education services, the Division will provide documentation supporting that determination.

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 thereby demonstrating compliance with the regulation implementing the provisions of Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 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 the provisions of Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35, which were at issue in this case.

The Division understands and acknowledges that OCR may initiate administrative enforcement or 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

3/7/2013
Date