

Resolution Agreement
Prince William County Public Schools
OCR Complaint No. 11-13-1210

Prince William County Public Schools (the Division) agrees to fully implement this Resolution Agreement (the Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-13- 1210. This Agreement addresses the allegations raised under Section 504 of the Rehabilitation Act of 1973 (Section 504) or Title II of the Americans with Disabilities Act of 1990 (Title II) or any other laws enforced by OCR. Full implementation of the Agreement by the Division resolves OCR Complaint No. 11-13-1210.

Commitment

1. By February 15, 2014, and in accordance with the requirements of 34 C.F.R. §104.35, the Division will convene a team meeting to consider the available medical information and the health treatment plan (HTP) as part of the evaluation to determine whether he is a student with a disability who may be in need of related aids and services.

If it is determined that the Student is in need of services under Section 504, the team will do the following:

- a. Develop and promptly implement the Section 504 Plan, which can encompass the HTP as long as it is viewed as such, developed by a properly constituted team and is subject to the procedural protections provided by Section 504;
- b. Determine whether the Student is in need of compensatory aids or services.

Reporting Requirement: By February 28, 2014, the Division will provide OCR with documentation confirming its fulfillment of Commitment 1, including the following:

- c. Meeting minutes from the team meeting and copies of any information/documents considered by the team in reaching its decision;
 - d. Certification regarding the provision of compensatory aids or services, if applicable;
 - e. A copy of the Student's Section 504 Plan;
 - f. A copy of the written notice of the outcome of the meeting provided to the Complainant, including procedural safeguards; and
 - g. The Complainant's response, if any, to the Division's offer.
2. By January 30, 2014, the Division will develop a memorandum from the Division's Director of Special Education, to all Division administrators and staff, reminding intervention teams that when evaluating whether a student has a disability under either Section 504 or the Individuals with Disabilities Education Act, including recommending

OCR Complaint No. 11-13-1210

additional assessments for students suspected of having a disability, the determination and/or recommendation must be based on the individualized needs of the Student.

Reporting Requirement:

- a. By January 30, 2014, the Division will provide OCR with a copy of the draft memorandum for OCR comment.
- b. Within 10 days of receiving OCR's final comments, the Division will publish the memorandum to all Division administrators and staff. By the same time frame, the Division will publish the memorandum on the Division's web site in an easily accessible location.

Within two weeks of publishing the memo to administrators and staff, the Division will provide OCR documentation that all administrators and staff in the Division received the electronic copy of the memo.

The Division understands that OCR will not close monitoring of this agreement until OCR determines that it has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II that were at issue in this complaint.

The Division also 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. If necessary, OCR may visit the Division, interview relevant staff in accordance with Section 602(d) of the OCR Case Processing Manual, and request such additional reports or data as are necessary for OCR to determine that the Division has fulfilled the terms of this agreement and is in compliance with the regulations implementing 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 complaint.

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

Date: 12/20/13