

**Voluntary Resolution Agreement**  
**Fairfax County Public Schools**  
**OCR Complaint #11-13-1260**

Fairfax County Public Schools (the Division) agrees to fully implement this voluntary resolution agreement (Agreement) to resolve the above-referenced complaint.

1. By January 21, 2014, the Division will provide training to the administration and staff of Marshall High School regarding the definition of disability under Section 504, evaluating students for disabilities under Section 504, the creation and implementation of Section 504 Plans, and procedural safeguards for parents/guardians during the Section 504 evaluation and implementation process.

Reporting Requirement: By February 4, 2014, the Division will provide OCR with the copies of all the training materials, including handouts, presentation information, name(s) and qualifications of the trainer(s), and attendance sign-in sheets.

2. By January 21, 2014, the Division will conduct an individualized review to determine whether the Student is eligible to receive compensatory educational services as a result of not receiving disability-related aids and services until April of the 2012-2013 school year. In conducting this review, the Division will follow Section 504 procedural requirements applicable to actions regarding the identification, evaluation, and placement of students with disabilities, in particular: ensuring that decisions are made by a group of persons knowledgeable about the student, the data, and educational settings (including parents); relying on appropriate evaluation materials; and providing procedural safeguards such as notice, opportunities for the parents to participate and examine relevant records; and a review mechanism. If the Student is deemed eligible to receive compensatory educational services, the Division will offer compensatory educational services to the Student's parent at the review meeting and will allow the parent two weeks to respond to the officer.

Reporting Requirement: By February 14, 2014, the Division will submit to OCR an explanation of its determination whether the Student is entitled to compensatory services, along with any supporting documentation and notes and, if applicable, a copy of its offer to the parent and any response to the offer.

3. By January 21, 2014, the Division will conduct a review to determine whether the January 17, 2013 disciplinary incident that resulted in the Student's school assignment being changed would have occurred if the School had been providing a Section 504 plan to the Student at that time. If it is determined, based on all available information (including the Section 504 plan ultimately adopted for the Student), that the January 17, 2013 incident would not have occurred but for the lack of an appropriate educational and/or behavioral plan in place for the Student, the Division will take steps to remedy the resulting transfer.

Reporting Requirement: By February 4, 2014, the Division will submit to OCR an explanation of its determination of whether the January 2013 disciplinary incident would not have occurred but for the lack of an appropriate plan in place for the Student. This explanation shall include: the information that the Division considered in making this determination; the names and titles of the

persons who conducted the review; the rationale for the determination; and, if applicable, any proposed remedy for the disciplinary actions taken by the Division in response to the incident.

This Agreement is entered into by Fairfax County Public Schools in a good faith and solely in a voluntary attempt to resolve this Complaint. By entering into this Agreement, Fairfax County Public Schools in no way agrees or intends to suggest that it has failed to comply with the requirements of Section 504, or any other applicable legal requirements, either in regards to this specific Complaint, or in any other respect, and this Agreement shall not constitute any admission in that regard.

The Division understands that OCR will not close the monitoring of this Agreement until OCR determines that the Division has fulfilled the terms of the Agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. Part 104, which was 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, 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.

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.

FOR THE DIVISION:

\_\_\_\_\_/s/\_\_\_\_\_  
Name

\_\_\_\_12/11/2013\_\_\_\_\_  
Date