

**Voluntary Resolution Agreement
Fairfax County Public Schools
OCR Complaint No.11-14-1130**

Fairfax County Public Schools (the Division) agrees to fully implement this voluntary resolution agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-14-1130.

TRAINING

1. By October 31, 2014, the Division will provide training to relevant XXXX High School (the School) personnel responsible for developing and/or implementing students' Section 504 plans and/or IEPs. The training will address the differences between "read aloud" services and "read on demand" services and how to appropriately document those services in students' individualized plans. At a minimum, the training will also instruct personnel that:
 - the School has an obligation to implement students' Section 504 plans and IEPs as written, and that any revisions to a student's Section 504 plan or IEP shall be made in accordance with the procedures in 34 C.F.R. § 104.35(c), which include input from a group of persons, including persons knowledgeable about the student and the placement options.
 - unless a student's plan expressly indicates that a student is required to request any of his or her aids and services in order to receive them, the services should not be considered "optional" for the student.
 - a student's age may be an appropriate consideration in determining how aids and services should be provided, and each student's individual circumstances must be considered by a 504 or IEP team. Generally, while some older students may be more self-reliant and capable of self-advocacy, younger students may be less so, in which case requiring that related aids and services be available only upon request would not be consistent with the provision of a free appropriate public education.
 - School staff shall respond to situations where a student's refusal to use a related aid or service consistent with an individualized plan has an impact on the student's ability to access the educational program (for example, the student demonstrates a pattern of not using a related aid or service or the student refuses to use an aid or service on a major assessment). In particular, in those situations, School staff should document their attempts to provide the aid or service to the student and continue to make the aid or service available. Furthermore, the School should inform the student's parent or guardian and may need to convene a meeting consistent with 34 C.F.R. Section 104.35 to discuss whether alternate related aids/services need to be put in place to ensure that the student receives FAPE.

Reporting Requirement: By October 1, 2014, the Division will provide for OCR's review and approval a copy of the proposed training materials, including the name(s) and title(s) of the trainer(s) and any handouts or presentations developed for this training, and the date of the training(s). The Division will make the training mandatory for all faculty at the School.

Reporting Requirement: By November 15, 2014, the Division will provide OCR copies of the sign-in sheets for the training that was held.

STUDENT-SPECIFIC PROVISIONS

For each student with a disability in the Student's English and Biology classes in fall 2013 whose individualized plan contained a provision for "read aloud" or "read on demand" services:

2. By October 1, 2014, after providing proper written notice to each student's parent/guardian, a group of knowledgeable persons, including the parent/guardian, will determine whether the Division failed to consistently provide "read aloud" or "read on demand" services during the fall semester of 2013, and if so, whether the student needs compensatory and/or remedial services as a result. Compensatory and/or remedial services may include the opportunity to redo assignments, retake assessments and/or result in grade changes, where appropriate. If so, within one week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond January 31, 2014. The Division will provide the student's parent/guardian notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirement:

Within two weeks after the decision as to whether compensatory and/or remedial services are needed, the Division will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the student. OCR will, prior to approving the Division's decision and plan for providing the proposed services, review the documentation to ensure that the Division 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.

Reporting Requirement:

By February 15, 2015, the Division will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

The Division understands that OCR will not close the monitoring of this Agreement until OCR determines that the Division has fulfilled its terms 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. 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. 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 regulations implementing Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35.

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
Fairfax County Public Schools

_____/8/18/2014_____
Date