

Resolution Agreement
Portsmouth City County Schools
OCR Complaint No. 11-14-1170

Portsmouth City County Schools (the Division) agrees to implement this resolution agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-14-1170. The Agreement does not constitute an admission by the Division of any violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (ADA Title II), or any other law.

Substantive Requirements:

1. During the summer of 2014 the Division will provide the Student with instruction during the summer based on the determinations made at the XXXX, Section 504 meeting for the Student. This summer instruction will provide compensatory education for any educational time or services missed if the Student's Section 504 Plan was not implemented for a portion of the 2013-2014 school year, as alleged by the Complainant. Additionally, the Division will transport the Student to and from the summer school program daily. The Division will also ensure the Student's Section 504 Plan is implemented in summer school.
2. Within three days of signing this agreement, the Division will contact the Complainant in writing to notify her that it will provide the Student instruction in summer school and transportation to and from summer school.
3. No later than three days prior to the start of the 2014-2015 school year, the Division will convene the Student's Section 504 team, which will include both staff from the Student's school during the 2013-2014 school year and his new middle school for the 2014-2015 school year. This meeting will address implementation of the Student's Section 504 Plan as he transitions from elementary to middle school.

Reporting Requirements:

By September 10, 2014, The Division will provide documentation that the Student attended summer school and received appropriate transportation to summer school (this documentation may be a signed statement by the Complainant attesting that the Student attended summer school and received appropriate transportation). Additionally, the Division will provide OCR with: 1) information about how the Student's Section 504 Plan was implemented in summer school and 2) a copy of the Student's Section 504 Plan in place prior to the 2014-15 school year and notes from the Section 504 meeting to facilitate the transition of the Student.

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 is compliance with the regulation implementing Section 504, at 34 C.F.R. Sections 104.4, 104.33, 104.35, and 104.36 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 compliance with the regulation implementing Section 504, at 34 C.F.R. Sections 104.4, 104.33, 104.35 and 104.36, 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/_____
Dr. Marie N. Shepherd, Director of Student Services
Portsmouth City County Schools

5/28/2014
Date