

Resolution Agreement
Virginia Beach City Public Schools
OCR Complaint # 11-14-1316

Virginia Beach City Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-14-1316.

1. By June 1, 2015, the Division will provide training to administrators and instructional staff who are responsible of setting Section 504 meetings. At a minimum, the training will address:
 - (i) understanding the Division's obligation to reevaluate a student when there are new or additional medical concerns that have not been previously addressed;
 - (ii) the procedural requirements of Section 504 regarding identification, evaluation, and placement, including the fact that a parent or guardian is not required to be present in order for the Division to hold a Section 504 meeting; and
 - (iii) a discussion of hypothetical scenarios that may trigger the Division's obligation to re-evaluate a student under Section 504.

Reporting Requirement:

- (a) A minimum of 20 business days prior to the date the Division intends to hold the training described above, the Division will provide for OCR's advanced review and approval a copy of the training materials prepared, including the name(s) and title(s) of the trainers(s) and any handouts or presentation(s) developed.
 - (b) Following OCR approval and the Division's completion of the training, the Division will submit to OCR documentation of the completion of the above training by June 15, 2015. The documentation should include:
 - a. The date(s) of the training
 - b. A sign-in sheet indicating the names and titles of participants
 - c. A copy of the agenda for the training and any materials distributed
2. By March 30, 2015, the Division will convene a group of persons knowledgeable about the Student (such as the 504 Team), to determine whether the Student requires a change in the services in order to meet the Student's individual needs. The team will also consider whether compensatory and/or remedial services are appropriate based on the delay in reviewing the Student's Section 504 plan during the 2014-2015 school year. If the group determines that compensatory services are appropriate, the group will develop a plan for providing compensatory and/or remedial services, if any, with a completion

date not to extend beyond August 2015. The plan will identify the nature and amount of the services to be provided at no cost to the Student's parents, by whom, and when. The Division will provide the Student's parent with a meaningful opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

Reporting Requirements:

- a. By April 13, 2015, the Division will submit to OCR for review and approval a copy of the meeting minutes or similar documentation from the meeting referenced in paragraph 2 above; including an explanation for decisions made, a copy of the Student's revised 504 plan, and a description of and schedule for providing any compensatory and/or remedial services to the Student, if applicable. This information should also include the names and titles of all meeting participants. OCR will review the documentation submitted to ensure that the Division meets 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.
- b. Within fifteen (15) days after OCR's review and approval of the information submitted as a part of Reporting Requirement a above, the Division will provide the parent (or legal guardian) with written notice, and a copy also to be sent to OCR, of the outcome of the meeting, including a copy of the revised Section 504 plan and a description of the educational loss, and provide the Student and parent with a written offer regarding the Division's provision of the compensatory educational services to the Student (including a description of how the services will be provided and a proposed timetable) that informs the Complainant of the outcome (i.e. any determination made and the rationale for the determinations) of the meeting held as a result of paragraph 2 above.
- c. If the Student and parent or legal guardian accept the Division's offer, the Division will begin providing the services to the Student within fifteen (15) calendar days from the date of its receipt of the Student's acceptance of the Division's offer, or at a later date, if agreed upon by the Student and parent or legal guardian. The compensatory education program shall be delivered in a manner so as not to hinder the delivery of any services that are required by the Student's current educational program and have a completion date not to extend beyond August 2015.

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 in compliance with the regulation implementing Section 504 regulation, at 34 C.F.R. § 104.35, 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 regulation, at 34 C.F.R. § 104.35, which was 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 Academy written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

_____/S/_____
Superintendent or Designee
Virginia Beach City Public Schools

_____/3/10/15_____
Date