

RESOLUTION AGREEMENT
Hanover County Public Schools
OCR Complaint No. 11-15-1005

Hanover County Public Schools (the Division) agrees to fully implement this Resolution Agreement (the Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-15-1005. This Agreement does not constitute an admission by the Division of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

1. The Division will revise its Section 504 Guidelines and Procedures and all other written policies, procedures, and practices relating to the Division's responsibilities under Section 504 and Title II to ensure that they comport with Section 504 and Title II. Specifically, the revisions will:
 - a. Explain that a student has a handicap under Section 504 (hereafter referred to as a "disability") if the student is substantially limited as to one or more major life activities, and give examples of the type of major life activities that are included under the definitions provided in 34 C.F.R. §104.3;
 - b. Clarify that more than the student's grades and grade promotion must be considered in determining whether a student has a disability;
 - c. Address the Division's obligation to evaluate students who need or are believed to need special education or related services, regardless of whether initial classroom interventions or modifications are successful or a student qualifies for homebound instruction;
 - d. Ensure that the timeframe for filing a complaint of discrimination under Section 504 is equitable; and
 - e. Clarify that an individual may file a complaint of discrimination under Section 504 directly with OCR without having to exhaust any internal complaint processes.

Reporting Requirement: By **June 1, 2015**, the Division will submit for OCR's review and approval a revised Section 504 Guidelines and Procedures and all other revised policies, procedures, and practices relating to the Division's responsibility under Section 504.

Reporting Requirement: Within **14** days after OCR's approval of the Division's revised procedures, the Division will publish the revised procedures on its website and will submit to OCR a link to its website evidencing publication of the revised procedures.

2. The Division will provide training to Division staff who work directly with students, and to the administrators within the Division (including the Section 504 Coordinator) who are responsible for identifying, evaluating, and serving students with disabilities, on the Division's obligation under Section 504 to identify and evaluate all students the Division is obligated by law to serve who need or are believed to need special education and related services, including students with health impairments, such as

food allergies. The Division will also provide training on its obligation to provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504. The training will also discuss the revisions to the Section 504 Guidelines and Procedures and all other written policies, procedures, and practices relating to the Division's responsibilities under Section 504 to ensure that they comply with Section 504 and Title II. The training will take place prior to the beginning of the 2015-2016 school year.

Reporting Requirements

- a. At least 20 days prior to the proposed training referenced in paragraph 2 above, the Division will provide to OCR, for OCR's review and approval, an outline of the content of the training, including a copy of training materials, and the name and credentials of the individual(s) who will provide the Section 504 training.
 - b. Within one week after the date of the training, the Division will provide to OCR documentation confirming that the training occurred, including the training agenda, the date on which the training was held, and a list of the individuals (by name and title) present at the training.
3. By **February 9, 2015**, after providing proper written notice to the Student's parents/guardians, the Division will convene a meeting that comports with the procedural requirements of Section 504. The meeting will include persons knowledgeable about the Student and the meaning of the evaluation data and placement options. At the meeting, the team will evaluate the Student to determine her eligibility for related services under Section 504. The team's determination will draw on all available and relevant information from a variety of sources and it will document and carefully consider this information. The Division will provide the Student's parents/guardians with – (a) notice of the determinations made by the team, and (b) notice of the procedural safeguards available to them under 34 C.F.R. § 104.36.

Reporting Requirement: Within one week after execution of the Agreement, the Division will submit to OCR a copy of meeting minutes or similar documentation from the meeting. OCR will review the documentation submitted to ensure that the team has met the procedural and other requirements of 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making its determinations.

4. The Division will identify other students in the Division who need or are believed to need related services based on health conditions and who are to be evaluated for consideration as qualified "handicapped" persons under Section 504 (hereafter referred to as "qualified individuals with a disability"), consistent with 34 C.F.R. § 104.35, using the criteria for screening students developed by the Division and approved by OCR on March 3, 2015. To the extent that an evaluation of an identified student is warranted, it will be conducted consistent with the evaluation, placement

and procedural safeguard requirements of 34 C.F.R. §§ 104.35 and 104.36. To the extent that an evaluation results in a determination that a student is a qualified individual with a disability and is entitled to special education or related services for that disability, the Division will develop individualized plans to provide each such student with special education or related services.

Reporting Requirement: Within **90** calendar days of OCR's approval of the Agreement, the Division will provide confirmation to OCR that the Division has reviewed the circumstances of each currently enrolled student against the Division's screening criteria to determine whether evaluation under Section 504 is warranted and will provide OCR, for its review and approval, a proposed plan for the Division's evaluation of the identified students within a reasonable timeframe.

Reporting Requirement: Per the timeframes in the approved evaluation plan, the Division will provide for OCR's review and approval documentation evidencing that all evaluations called for as a result of the screening process have been conducted.

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

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 groups of students, and request such additional reports or data as are necessary for OCR to determine that the School has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, which were at issue in the complaint.

The Division understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the 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/_____
Division Superintendent
Hanover County Public Schools

3/5/2015

Date