

# RESOLUTION AGREEMENT

Isle of Wight County Public Schools

OCR Case No. 11-15-1013

Isle of Wight County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve OCR Case No. 11-15-1013.

1. This Agreement does not constitute an admission by the Division of any violation of Section 504 of the Rehabilitation Act of 1973 or its implementing regulations at 34 C.F.R. Part 104 (Section 504), Title II of the Americans with Disabilities Act of 1990 or its implementing regulations at 28 C.F.R. Part 35 (Title II), or any other law enforced by OCR.
2. OCR has made no determination that the Division has violated Section 504, Title II, or any other law enforced by OCR, and full implementation of this Agreement by the Division, as determined by OCR, resolves OCR Case No. 11-15-1013.
3. By May 29, 2015, and consistent with Section 504 and Title II, the Division will complete appropriate math-related testing of the Student and, after providing proper written notice to the Student's parent, convene a group of persons knowledgeable about the Student, including the parent, with the purpose of reevaluating the Student to determine if additional regular or special education or related aids or services (services) are needed. Completion of the aforementioned testing and subsequent reevaluation meeting, however, is contingent upon the following: (a) the Division's prompt receipt of signed consent for testing from the Parents; (b) the Parents cooperation in making the Student available for the testing; and (c) the Parents and Student making themselves available for the reevaluation meeting. During the reevaluation meeting, the group will: (a) draw upon a variety of sources, including the recently conducted math-related testing results; (b) document and carefully consider the information obtained from all sources, including the recently conducted math-related testing results; (c) ensure that all needed changes in the Student's Section 504 Plan are made by a group of individuals knowledgeable about the Student, the meaning of the evaluation data, including the math-related testing results, and the placement options; and (d) notify the Complainant of her due process rights.
4. By June 5, 2015, the Division will submit to OCR a copy of meeting minutes or similar documentation from the meeting referenced in Provision 3, above,

including an explanation for the decisions made, a copy of the Student's revised Section 504 Plan (if it is revised); and the notice of due process. OCR will review the documentation submitted to ensure that the Division met the procedural and other requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these decisions.

5. If, pursuant to Provision 3, the Student's Section 504 team determines that the Student *is* in need of additional or different services, the Division will by June 12, 2015, after inviting and providing proper written notice to the Student's parent, convene a group of persons knowledgeable about the Student with the purpose of considering the need, if any, for providing compensatory and/or remedial services to the Student for the time period of October 21, 2015 through the date of the reevaluation meeting. If the group determines that compensatory and/or remedial services are warranted, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond December 15, 2015. The Division will provide the Student's parent notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.
6. Within one week of the meeting described in Provision 5, the Division will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation for the decisions made, and a description of and schedule for providing compensatory and/or remedial services (if any) to the Student and the notice of due process. OCR will review the documentation submitted to ensure that the Division met the procedural and other requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.
7. If, pursuant to Provision 5, the group determines that compensatory and/or remedial services are warranted, the Division will, by January 8, 2016, 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 names of the service providers.
8. By May 15, 2015, the Division will amend its Section 504 Procedures to replace the "reasonable accommodations" standard with a standard that commits it to provide students with disabilities with a free and appropriate public education, that is, regular and/or special education and related aids and services that are designed to meet these students' educational needs as adequately as the Division meets the educational needs of students without disabilities.

9. By June 30, 2015, the Division will submit documentation of its actions taken pursuant to Provision 8, which will include an electronic copy of its revised “Section 504 Procedures Manual” and the webpage address of that revised document.
  
10. The Division will maintain such documentation of the above commitments as is needed to demonstrate that it has fulfilled those commitments.
  
11. The Division understands that:
  - a. OCR will not close the monitoring of this Agreement until it determines that the Division has fulfilled all of its terms and is in compliance with the laws OCR enforces with respect to the issues addressed in this Agreement;
  - b. By signing this Agreement, the Division agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement;
  - c. During the monitoring of this Agreement, if necessary and upon reasonable notice, 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 laws OCR enforces with respect to the issues addressed in this Agreement; and
  - d. OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement if the Division willfully refuses to comply with the terms of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings to enforce the Agreement, OCR will give the Division written notice of the alleged breach and a minimum of sixty (60) calendar days to cure it.

**APPROVAL**

By: \_\_\_\_\_/S/\_\_\_\_\_ Date: \_\_\_\_\_4/9/15\_\_\_\_\_

Tammie Rollins-Hines  
Director of Special Education and Special Programs  
Isle of Wight County Public Schools