

**RESOLUTION AGREEMENT**  
**Fairfax County Public Schools**  
**OCR Complaint No. 11-15-1044**

Fairfax County Public Schools (the Division) agrees to fully implement this Resolution Agreement (the Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-15-1044. 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.

**COMMITMENTS**

1. By January 30, 2015, after providing proper written notice to the Student's parents and/or 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 must determine the following:
  - a. An appropriate plan for how the Student will participate in lunch, to the greatest extent possible, with his peers in the least restrictive environment;
  - b. Whether the Student is in need of related aids or services when riding the school bus to ensure that he can safely access the school bus;
  - c. Whether the Student is due any compensatory and/or remedial services for any loss of educational benefit that may have occurred from August 2014 until October 2014. If the group or team of knowledgeable persons determines that the Student is due compensatory and/or remedial services, the group must also determine the amount and type of compensatory and/or remedial services due the student and the time and location at which the services will be provided.
  - d. Whether the Student is due any compensatory and/or remedial services for any loss of education benefit that may have occurred as a result of the Complainant removing the Student from the school bus due to alleged disability-based harassment. If the group or team of knowledgeable persons determines that the Student is due compensatory and/or remedial services, the group must also determine the amount and type of compensatory and/or remedial services due the student and the time and location at which the services will be provided.

In making the above determinations, including whether the Student is in need of compensatory services, the Division will ensure that it draws on all available and relevant information from a variety of sources and that this information is documented and carefully considered. The Division must also provide the Student's parents and/or guardians with notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36.

### **Reporting Requirements**

- a. Within two weeks of the meeting, the Division will submit to OCR a copy of, meeting minutes or similar documentation from the meeting referenced in Commitment 1 above; including an explanation for 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. Documentation provided to OCR will also include the plan for how the Student will participate in lunch with his peers and meeting minutes describing the discussion as to whether the Student is in need of related aids or services in order to ride the school bus. 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.P.R. §§ 104.34, 104.35 and 104.36, in making these determinations.
  - b. If it is determined that the Student is to receive compensatory services, by March 31, 2015, the Division will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, if any, a description of what was provided, and the name(s) of the service provider(s).
2. The Division will provide training to School staff members at XXXX who work directly with students, including School administration, on the Division's obligation under Section 504 to identify and evaluate all students who need or are believed to need special education and related aids and 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, including disability-based harassment. The training will include examples of conduct that constitute disability-based harassment and will also discuss the Division's investigative process for responding to such complaints. The training will take place prior to the end of the 2014-15 school year.

### **Reporting Requirements**

- a. By March 31, 2015, the Division will provide to OCR 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 and disability-based harassment training to School staff members at XXXX for OCR's review and approval.
- b. Within seven (7) calendar days of 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 present at the training.

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 members 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 (24 C.P.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/\_\_\_\_\_  
Designee

Date \_\_\_\_\_1/16/2015\_\_\_\_\_