

**Resolution Agreement  
Fairfax County Public Schools  
OCR Complaint No.11-15-1065**

Fairfax County Public Schools (the Division) agrees to fully implement this resolution agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-15-1065. 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.

**TRAINING**

1. The Division will provide training to relevant XXXX (the School) personnel responsible for developing and/or implementing students' Section 504 plans and/or IEPs. At a minimum, the training will instruct personnel that:
  - the School has an obligation to implement students' Section 504 plans and IEPs as written, and that any revisions to a student's Section 504 plan or IEP shall be made in accordance with the procedures in 34 C.F.R. § 104.35(c), which include input from a group of persons, including persons knowledgeable about the student and the placement options.
  - unless a student's plan expressly indicates that a student is required to request any of his or her aids and services in order to receive them, the services should not be considered "optional" for the student.
  - a student's age may be an appropriate consideration in determining how aids and services should be provided, and each student's individual circumstances must be considered by a 504 or IEP team. Generally, while some older students may be more self-reliant and capable of self-advocacy, younger students may be less so, in which case requiring that related aids and services be available only upon request would not be consistent with the provision of a free appropriate public education.
  - in cases where a student is not using a related aid or service consistent with an individualized plan, School staff should document their attempts to provide the aid or service to the student and continue to make the aid or service available. Furthermore, the School should inform the student's parent or guardian and may need to convene a meeting consistent with 34 C.F.R. Section 104.35 to discuss whether alternate related aids/services need to be put in place to ensure that the student receives FAPE.
  - the School has an obligation to re-evaluate a student to determine whether s/he should receive a change in disability-related services when the student's educational or related service needs, including academic achievement and functional performance, warrant a reevaluation, such as when there has been a substantial change in the student's academic performance or disabling condition..

**Reporting Requirement:** By **September 30, 2015**, the Division will provide for OCR's review and approval a copy of the proposed training materials, including the name(s) and title(s) of the trainer(s) and any handouts or presentations developed for this training, the

date of the training(s), and a list by name and title of all staff members who will receive the training.

**Reporting Requirement:** By **October 30, 2015**, the Division will provide OCR copies of the sign-in sheets for the training that was held.

#### STUDENT-SPECIFIC PROVISIONS

2. After providing proper written notice to the Student's parents, a group of knowledgeable persons, including the parent(s), will:
  - a. Determine how the Student's word processor service should be implemented, including the specific types of courses, assignments, situations, etc. where the Student is to receive the use of a word processor and whether School personnel or the Student is responsible for requesting the use of the word processor;
  - b. Consider whether the Division failed to consistently provide a word processor service during the 2014-2015 school year, and if so, whether the Student needs compensatory and/or remedial services as a result; and
  - c. Re-evaluate the Student to determine whether he requires a change to his disability-related services as a result of disability-related absences; and
  - d. Develop a plan for providing compensatory and/or remedial services to the Student for the time period the Student did not receive appropriate regular and/or special education or related services, including with regard to the use of the word processor (if applicable) and with regard to services to address his absences due to his disability during the 2014-2015 school year. Compensatory and/or remedial services may include the opportunity to retake assessments and/or grade changes, where appropriate. The group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **December 31, 2015**.

The Division will provide the Student's parents with notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

#### **Reporting Requirement:**

By **June 30, 2015**, the Division will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing compensatory and/or remedial services (if any) to the student. OCR will, prior to approving the Division's decision and plan for providing the proposed services, review the documentation to ensure that the Division met 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.

**Reporting Requirement:**

By **January 15, 2016**, the Division will 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 name(s) of the service provider(s).

The Division understands that OCR will not close the monitoring of this Agreement until OCR determines that the Division has fulfilled its terms and is in compliance with the regulations implementing Section 504, at 34 C.F.R. Part 104, and Title II, at 28 C.F.R. Part 35. The Division also 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 regulations implementing Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35.

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/\_\_\_\_\_  
Superintendent or Designee  
Fairfax County Public Schools

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5/28/2015  
Date