

RESOLUTION AGREEMENT
Arlington County Public Schools
OCR Complaint No. 11-15-1089

Arlington County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-15-1089. 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 and the Student's parents have developed a plan for providing individualized 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 and supplementary aids and services, from XXXX to XXXX, taking into consideration the location and type of services required by the Student's Individualized Education Program (IEP) effective XXXX and her XXXX Transition Plan. The plan includes timely compensatory and/or remedial services for the Student, with a completion date not to extend beyond August 31, 2017. The plan was developed in lieu of resolution of these issues through an impartial due process hearing.¹

Reporting Requirement:

By June 30, 2017, 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, any service logs or other supporting documentation (if applicable), and the name(s) of the service provider(s).

2. By June 16, 2017, the Division will convene a special education meeting to discuss how the Division can meet the Student's educational needs using Division resources and/or resources outside the Division and develop an appropriate IEP.

Reporting Requirements:

- a. By June 30, 2017, the Division will provide to OCR documentation that the Division has convened an IEP meeting (or meetings), including the minutes, Prior Written Notice, and resulting IEP.
- b. If an IEP is not agreed upon by August 1, 2017, the Division will provide to OCR an explanation of the status of development of the Student's IEP and the services the Division is providing to the Student in the interim.
- c. If an agreement is not reached during the meeting discussed in Action Item 2(a), once an IEP is finalized, the Division will provide a copy of the IEP to OCR along with all related meeting minutes, Prior Written Notice, and any other materials.

¹ The Division previously provided OCR with a copy of the plan, referred to as "Exhibit A" in correspondence with OCR, dated June 13, 2017.

3. By August 30, 2017, the Division will develop a plan to track, in writing, implementation of the Student's IEP, particularly modified curriculum, related services, and supplementary aids as provided by her individual IEP. The plan will note, by date, modifications to the general curriculum and whether each aid was used. If not used, the plan will describe why the aid was unnecessary. The plan also will include the date an aid initially was procured.

Reporting Requirements:

- a. By August 15, 2017, the Division will provide OCR, for review and approval, a written description of the method the School will use to track whether the Student is receiving the services, as required by individual IEPs.
 - b. The Division will provide documentation to OCR to support its implementation of the plan to track the Student's services at 6-month intervals: December 15, 2017, and again on June 30, 2018.
4. By November 30, 2017, the Division will provide mandatory training to all instructional personnel and administrators at the School, and at any Division school the Student subsequently attends, as well as itinerant providers of the Student's services (prospective providers) on the requirements of Section 504 and Title II. The training will be conducted over several sessions from August 1, 2017 to November 30, 2017 and will emphasize the Division's obligations under Section 504 to implement Section 504 Plans, IEPs, or other plans as written. The training will be conducted jointly by the Division and a credentialed specialist from the Virginia Deaf-Blind Project or similar organization. The training will include information on, but will not be limited to:
 - The specific roles of special education teachers, regular education teachers, related service providers, and paraprofessionals in providing services required by Section 504 Plans/IEPs;
 - The importance of, and techniques to foster, collaboration between regular education teachers, special education teachers, related service providers, and paraprofessionals in providing services required by Section 504 Plans/IEPs;
 - Educating and instructing students with deaf-blindness, and specifically with cortical visual impairment, including modifying a student's environment based on visual, auditory, sensory, emotional, and physical needs; modifying curriculum and adapting materials; assisting a student's self-care needs; and communicating effectively.
 - Implementing Section 504 Plans/IEPs, including implementing auxiliary aids and services, developing appropriate lesson that modify the Division's curriculum and use appropriate adapted materials, and using the aids identified in the Section 504 Plans/IEPs for educational benefit; and
 - Monitoring the implementation of the Student's IEPs, by using the developed method to track whether the Student is receiving the services as required by her IEPs as developed per Action Item 3 of this Agreement.

Reporting Requirements:

- a. At least 3 weeks before the proposed training, the Division will provide OCR with the title and qualifications of the trainer, copies of the agenda, and any training materials

for OCR’s review and approval to ensure that the proposed training satisfies the requirements of Action Item 4. OCR will provide the Division with feedback on the training no later than one week before the date on which the training is scheduled.

- b. Within 15 calendar days after each training session, the Division will provide OCR with documentation confirming completion of the required training, including: (a) the date of each training session(s); and (b) a sign-in sheet listing the names and titles of the School instructional personnel and administrators who participated in each training session.
5. By June 30, 2017, the Division will initiate work with the Virginia Deaf-Blind Project to develop a technical assistance plan with measureable goals, deadlines, reviews, and other accountability benchmarks with the purpose of providing ongoing training and support to help Division staff educate students with deaf-blindness in the general education setting; to help Division staff modify lesson plans and materials appropriately and then implement the lessons and materials so that student have access to the curriculum equal to that of peers without disabilities. In the event that the Virginia Deaf-Blind Project is unable to provide assistance to the Division, the Division shall select a private provider to assist in this effort, mutually agreed upon by the Complainant.

Reporting Requirements:

- a. By June 30, 2017, the Division will provide documentation to OCR that it has initiated work with the Virginia Deaf-Blind Project to develop a technical assistance plan. This documentation will identify a date by which the Division expects to have completed development of the plan.
 - b. By January 30, 2018, the Division will submit to OCR the plan developed in partnership with the Virginia Deaf-Blind Project.
 - c. By June 30, 2018, and every six months thereafter until completion of all benchmarks in the plan, the Division will submit to OCR documentation of its progress toward meeting the benchmarks.
6. By August 30, 2017, the Division will ensure that the School has developed a written plan outlining how it will provide services to the Student when one of the service providers is absent or otherwise unable to provide the services to ensure effective communication under Title II that will allow the Student to participate in the Division’s educational program.

Reporting Requirements:

- a. By August 15, 2017, the Division will provide OCR, for review and approval, a copy of the plan to provide services to the Student when one of the service providers is absent or otherwise unable to provide the services.

- b. The Division will provide documentation to OCR to support its implementation of the plan to provide services during the absence of a trained provider such as her intervener or special education teacher in December 2017 and again in June 2018.

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 at 34 C.F.R. Part 104, and Title II at 28 C.F.R. Part 35. The Division understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the Division understands that during the monitoring of this Agreement, 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 at 34 C.F.R. Part 104, and Title II at 28 C.F.R. Part 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 Division written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

By: _____/s/_____
Dr. Brenda Wilks
Assistant Superintendent for Student Services
and Special Education

Date: _____06/15/2017_____