

**Voluntary Resolution Agreement
Prince William County Public Schools
OCR Complaint No. 11-15-1102**

Prince William County Public Schools (the Division) agrees to fully implement this voluntary resolution agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-15-1102. This Agreement does not constitute an admission by the Division of a violation of Section 504 or Title II or any other law enforced by OCR.

1. By December 15, 2015, the Division will disseminate to the parent/student/staff community the Division's revised procedures to provide for the prompt and equitable resolution of complaints alleging disability discrimination or harassment, at a minimum:
 - a. Revising Regulation 738-1 Complaint Procedures for Student Claims of Discrimination or Harassment to include (1) designated and reasonably prompt timeframes for major stages of the grievance process; (2) Written notice to the parties of the outcome of the complaint; (3) an assurance that the Division will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others if it determined that discrimination or harassment occurred; and the contact information for the Division's Section 504 Coordinator.
 - b. Publishing a link to the revised version of Regulation 738-1 Complaint Procedures for Student Claims of Discrimination and Harassment on the Section 504 and Special Education sections of the Division's website; and
 - c. Revising the Division's Code of Behavior (COB) to contain the contact information for the Section 504 Coordinator and to identify Regulation 738-1 as the complaint procedure for complaints of disability-related discrimination/harassment.

Reporting Requirements:

- a) By November 13, 2015, the Division will submit for OCR's review and approval a draft revised Regulation 738-1 Complaint Procedures for Student Claims of Discrimination or Harassment.
- b) Within 60 calendar days after approval by OCR of the revised Regulation 738-1, the Division will publish the revised procedure(s) on its website and will inform the school community about this revised procedure through an announcement made through normal communication channels.
- c) Within 90 calendar days after OCR's approval of revisions to the procedures, the Division will submit to OCR a link to its website evidencing publication of the revised procedure(s) and will provide a copy of the announcement(s) sent to the school community to inform them of the revised procedure. The Division also will

revise the electronic version of its 2015-2016 COB to reflect this change and to include a copy of the revised grievance procedure and will submit to OCR a copy of the revised COB.

2. If the Student or his parents raise disability discrimination or harassment concerns during the 2015-2016 school year, the Division will implement the revised Regulation 738-1 to address the concerns. In doing so, the Division also will provide the Student and his parents the opportunity to submit information pertaining to previous incidents raised in OCR Complaint #11-15-1102 for consideration of possible continuing harassment or discrimination.

Reporting Requirements:

- a) Within 15 calendar days of any investigation as referenced in provision 2 above, the Division will provide OCR with documentation of its investigation, findings, rationale for its findings, and, if it determines that disability discrimination or harassment occurred, any actions it proposes to take to prevent further incidents of such discrimination or harassment, and to correct the effects on the Student and others.
3. After OCR's approval of revisions to the complaint procedures, referenced in provision 1a, by February 15, 2016, the Division will provide training to all Pennington Traditional School ("School") staff and administrators and Division level individuals involved in processing, investigating, and/or resolving complaints of disability discrimination and harassment regarding the rights of students with disabilities who qualify under Section 504 to be free from discrimination and harassment. The training should include, at a minimum: guidance as to what constitutes disability harassment and the negative impact that it has on the educational environment, including specific examples pertaining to the discrimination/harassment of students diagnosed with Autism Spectrum Disorder; a review of the Division's revised Complaint Procedures for Student Claims of Discrimination or Harassment, including how to conduct and document an appropriate investigation under appropriate legal standards; notice that failure to respond appropriately to incidents of disability harassment could violate Division policy and federal law; and protection against retaliation for individuals who file discrimination or harassment complaints or participate in a discrimination or harassment investigation.

Reporting Requirements:

- a) Within 45 calendar days of OCR's approval of the complaint procedures, the Division will provide for OCR's review and approval a copy of the training materials prepared, including the name(s) and title(s) of the trainer(s) and any handouts or presentations developed.

- b) Within 10 calendar days of the completion of the approved training programs, the Division will submit to OCR the name(s) and title(s) of the trainer(s), the date of the training, the material used or disseminated, and the sign-in sheets indicating the names and titles of participants.
4. By March 15, 2016, the Division will provide age-appropriate student education at the School, designed to increase awareness of harassment (including disability harassment), inform students of harassment consequences, and explain how and encourage students to report incidents of harassment. This educational programming shall include examples pertaining to the discrimination/harassment of students diagnosed with Autism Spectrum Disorder.

Reporting Requirements:

- a) By February 15, 2016, the Division will provide to OCR for its review and approval an outline of the above instruction for each student age group, along with information sufficient to inform OCR of when the training will occur.
 - b) Within 30 calendar days of each instructional session, the Division will provide OCR with confirmation that the instruction occurred.
5. By December 15, 2015, the Division will revise its threat assessment guidelines to incorporate a reference to the Americans with Disabilities Act (ADA) Title II direct threat standard into risk assessments of students with disabilities. The revised guidelines will state, in part, that the Title II direct threat standard must be implemented in accordance with all other federal and state laws/regulations.

Reporting Requirements:

- a) By December 15, 2015, the Division will submit for OCR's review and approval draft threat assessment guidelines that incorporate a reference to the ADA Title II direct threat standard.
 - b) Within 30 calendar days after approval by OCR of the threat assessment guidelines, the Division will publish the revised guidelines on its website and will inform the school community about these revised guidelines through an announcement made through normal communication channels..
 - c) Within 45 calendar days after OCR's approval of the guidelines, the Division will submit to OCR a link to its website evidencing publication of the new guidelines and documentation that notice of the guidelines was provided to Division employees and parents/guardians/students.
6. By February 15, 2016, the Division will provide training to School staff and administrators as well as Division-level administrators involved in processing threat assessments on the ADA Title II direct threat standard in threat assessments of students with disabilities, as well as on treating students equally and without regard to disability when deciding when to initiate the threat assessment process and assessing threat levels.

Reporting Requirements:

- a) Within 45 calendar days of OCR's approval of the threat assessment guidelines referenced in provision 5, the Division will provide for OCR's review and approval a copy of its draft training materials, including the name(s) and title(s) of the trainer(s) and any handouts or presentations developed.
 - b) Within 10 calendar days of the completion of the approved training programs, the Division will submit to OCR the name(s) and title(s) of the trainer(s), the date(s) of the training(s), the materials used or disseminated, and the sign-in sheets indicating the names and titles of participants.
7. By November 30, 2015, the Division will:
- a. Include in the Student's file a copy of OCR's forthcoming Letter of Findings and associated Resolution Agreement; and
 - b. Convene a group of persons knowledgeable about the Student (such as the IEP team) to determine whether the Student is entitled to the following services for the period the Student did not attend Pennington Traditional beginning on January 19, 2015 through the end of the 2014-2015 school year : (1) Gifted Services; (2) Compensatory and/or Remedial Services; and (3) Other aides or services to meet the Student's needs. The Complainant will be invited to this meeting. If it is determined that gifted services, compensatory and/or remedial services, or other aides or services are needed, the Division will then determine the type and amount of such services and will develop a plan for providing the services with a completion date not to extend beyond June 30, 2016. The services, if any, will be provided at no cost to the Student's parents. The Division will provide the Student's parents with an opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

Reporting Requirements:

- a) By December 15, 2015, the Division will submit to OCR verification that it has taken the actions referenced in provision 7.a. above.
- b) By December 15, 2015, the Division will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referenced in provision 7.b. above, including an explanation for decisions made and a description of and schedule for providing any services to the Student. OCR will review the documentation submitted 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.

- c) By January 15 2016, the Division will provide the Complainant with written notice of the outcome of the meeting along with a written offer regarding the Division's provision of the services to the Student (including a description of how the services will be provided and a proposed timetable).
- d) If the Complainant accepts the Division's offer, the Division will make the services available to the Student within fifteen (15) calendar days from the date of its receipt of the acceptance of the Division's offer, or at a later date, if agreed upon by the Complainant. The services shall be delivered in a manner so as not to hinder the delivery of any services that are required by the Student's current educational program.
- e) By July 15, 2016, the Division will provide documentation to OCR of the dates, times, and locations that any services were 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 ADA Title II, at 28 C.F.R. Part 35, which were at issue in this case. 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, and with 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 regulations implementing Section 504, at 34 C.F.R. Part 104, and ADA Title II, at 28 C.F.R. Part 35, which were 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.

_____/S/_____
 Superintendent or Designee
 Prince William County Public Schools

____10/19/2015_____
 Date