

RESOLUTION AGREEMENT
Prince William County Public Schools
OCR Case No. 11-15-1360

Prince William County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-15-1360. 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.

I. POLICIES AND PROCEDURES

- A. By June 15, 2017, the Division will ensure that all existing policies, procedures, regulations, and related documents and materials (e.g., complaint forms, handbooks, notices to students and parents, website information) related to eligibility for services under Section 504 and/or the IDEA, at a minimum, provide for the following:
1. Any team considering a student's eligibility for services under Section 504 or the IDEA does not need to determine whether a student is eligible for services under the IDEA before considering eligibility under Section 504. A team may consider eligibility under the IDEA before considering eligibility under Section 504, but if the team determines there is not enough information to make an eligibility determination under the IDEA, this cannot prevent the team from considering eligibility under Section 504. A consideration for eligibility under the IDEA cannot create unreasonable delay in consideration of eligibility under Section 504.
 2. When evaluating whether a student has a disability under either Section 504 or the IDEA, including recommending additional assessments for students suspected of having a disability, the evaluations must be tailored to evaluate the specific areas of educational need and not merely those designed to provide a single intelligence quotient.
 3. Upon registration and/or subsequent notification from a parent, guardian, or Division staff person that a student, who, because of disability or suspected disability, which can include a severe food allergy, needs or is believed to need special education or related services, the Division shall initiate its process for considering the Student for evaluation under the IDEA and/or Section 504.

Reporting Requirement: By March 15, 2017, the Division will provide OCR with documentation that it has reviewed all existing policies, procedures, regulations, and related documents and materials (e.g., complaint forms, handbooks, notices to students and parents, website information) related to eligibility for services under Section 504 and/or the IDEA to ensure compliance with the above-listed requirements. For any policies, procedures, regulations, and/or related documents and materials that the Division determines do not need revisions, the Division will provide OCR with electronic links to these documents, or if links are unavailable,

copies, for OCR's review and approval by March 15, 2017. In the event that revisions are needed to any policies, procedures, regulations, and/or related documents and materials, the Division will provide OCR with draft revised policies and procedures pursuant to Section I.A for OCR's review and approval by May 15, 2017.

- B. Within 30 school days of OCR's approval of any revised policies, procedures, regulations, and related documents and materials, the Division will publish the revised policies and procedures on its website, on normal communication channels; distribute a copy of the revised policies and procedures to all Division staff; and provide OCR a copy of all relevant policies, procedures, regulations, and related materials (e.g., handbooks) that were revised. OCR will not require internal staff guidance documents revised pursuant to this section to be published on the Division's website.

II. PROFESSIONAL DEVELOPMENT/TRAINING

- A. By January 15, 2017, the Division will distribute to all school-level staff who may participate in the Section 504 or IDEA eligibility process for students and all Office of Special Education staff a memorandum providing that:
 - 1. Any team considering a student's eligibility for services under Section 504 or the IDEA does not need to determine whether a student is eligible for services under the IDEA before considering eligibility under Section 504. A team may consider eligibility under the IDEA before considering eligibility under Section 504, but if the team determines there is not enough information to make an eligibility determination under the IDEA, this cannot prevent the team from considering eligibility under Section 504. A consideration for eligibility under the IDEA cannot create unreasonable delay in consideration of eligibility under Section 504.
 - 2. Students with severe food allergies may need special education or related services, and for those students who do need or are believed to need special education or related services, the Division shall initiate its process for considering the Student for evaluation under the IDEA and/or Section 504.
- B. Starting with the 2017-2018 school year, and then annual thereafter for the term of this Agreement, the Division will provide training to all school-level administrators who may participate in the Section 504 or IDEA eligibility process for students and all Office of Special Education staff regarding the evaluation and eligibility process under Section 504 and the IDEA and implementation of any new policies and procedures adopted under this Agreement. The initial training will be conducted no later than November 1, 2017. Site administrators will, throughout each school year, integrate this information into existing trainings, meetings, and other appropriate opportunities to reinforce the protections of federal law to ensure that the Division provides a free appropriate public education (FAPE) to students with disabilities.

Reporting Requirements:

- a. By December 15, 2016, the Division will submit for OCR’s review and approval a draft of the memorandum described in Section II.A.
- b. By January 31, 2017, the Division will provide OCR with documentation that the memorandum described in Section II.A was distributed to Division staff.
- c. By April 1, 2017, the Division will submit a draft plan for implementation of the training developed in accordance with Section II.B for OCR’s review and approval, including the training date(s), the name and expertise of each presenter and a description of the training content.
- d. By November 1, 2017, the Division will provide a detailed description of or documentation related to all trainings provided to Division employees pursuant to this Agreement, including the date(s) of each training; and the name, position, and school/work site of each employee who attended the training.

III. INDIVIDUAL MEASURES

- A. By January 15, 2017, after providing proper written notice to the Student’s parent/guardian, the Division will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the parent/guardian, with the dual purposes of:
 1. Determining whether the Student is eligible to receive special education and/or related services under Section 504;
 2. In the event that the Student is found eligible under Section 504, the team will develop a Section 504 Plan,; and
 3. The team will also meet to determine whether the Student is eligible to receive compensatory and/or remedial services to the Student for the time period the Student was not found eligible to receive special education or related services under Section 504 or the IDEA, from 2009 to June 2016. If the Student is found eligible to receive compensatory and/or remedial services, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 1, 2017. The Division will provide the Student’s parent/guardian with notice of the procedural safeguards, including the right to challenge the group’s determination through an impartial due process hearing.

Reporting Requirements:

- a. Within seven school days of the meeting, the Division will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including documentation considered by the team and an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to the Student, the notice of procedural safeguards, the written invitation to the Student’s parent/guardian, and a list of meeting attendees. 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.

- b. Within 10 school days after receiving OCR's approval, the Division will provide the Student's parent/guardian with written notice of the outcome of the meeting, including an explanation for decisions made and a description of and schedule for providing compensatory and/or remedial services (if any) to the Student. The Division will provide a copy of this written notice to OCR.
 - c. By July 1, 2017, 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).
- B. By the beginning of the 2017-2018 school year, for each student in the Division with an HTP for a severe food allergy, after providing proper written notice to the Student's parent/guardian, the Division will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the parent/guardian, with the dual purposes of:
1. Considering eligibility for special education or related services, and if found eligible, developing and promptly implementing an IEP and/or Section 504 Plan; and
 2. Considering eligibility for compensatory and/or remedial services for any time period the student did not receive appropriate special education or related services under Section 504 or the IDEA. The group will develop a plan for providing timely compensatory (if any) and/or remedial services with a completion date not to extend beyond June 1, 2018. The Division will provide the student's parent/guardian with notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

- a. By February 1, 2017, the Division will submit to OCR for review and approval its selection criteria for the students to be considered for eligibility for special education and/or related services; and
- b. By September 30, 2017, the Division will submit to OCR an Excel spreadsheet listing the date of each student's meeting; whether the student was found eligible for services under Section 504; and the amount of compensatory services provided for each student. In the event that all meetings required by this section are not completed by the beginning of the 2017-2018 school year, by September 30, 2017, the Division will also provide OCR with an update on progress with completion of this reporting requirement and a proposed timeline for the completion of remaining meetings.

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 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, respectively.

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 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, respectively, 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.

By: _____/S/_____ Date: _____11/21/2016_____

Superintendent Steven L. Walts or designee