

RESOLUTION AGREEMENT
Chesterfield County Public Schools
OCR Complaint No. 11-16-1082

Chesterfield County Public Schools (the Division) agrees to fully implement this resolution agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-16-1082.

GENERAL PROVISIONS

1. This Agreement does not constitute an admission by the Division of any 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.
2. OCR has made no determination that the Division has violated Section 504, Title II, or any other law enforced by OCR, and full implementation of this Agreement by the Division resolves the allegations in OCR Complaint No. 11-16-1082.

VISITOR POLICY AND TRAINING

3. The Division will revise its visitor policy for individuals entering Division property. The revised policy will address the behavior of all visitors coming onto Division property, including, but not limited to, attorneys and advocates. The revised visitor policy will identify actions or behaviors prohibited on Division property, including, but not limited to, actions that violate state laws or regulations, behaviors that place students and/or staff at risk of injury or harm, threats and intimidation, and behaviors that disrupt or interfere with school operations or meetings. The revised visitor policy will also address the consequences for violating the Division's policy, including, but not limited to, restrictions on a visitor's access to Division property.

Reporting Requirement: By October 15, 2016, the Division will submit for OCR's review and approval a revised draft policy relating to access for Division visitors. Once OCR has reviewed and approved the draft policy, the draft policy will be presented to the School Board for approval.

Reporting Requirement: Within 15 business days of the School Board's formal adoption of the revised policy approved by OCR, the Division will provide to OCR documentation (including a distribution list and a copy of the final policy) that the revised visitor policy has been provided to all Division principals.

Reporting Requirement: Within 15 business days after the School Board's formal adoption of the Division's revised policy, the Division will publish the revised visitor policy on its website and will submit to OCR a link to its website evidencing its publication. The Division will also make the visitor policy available upon request to individuals who request a copy.

4. The Division will provide training to the Superintendent, the Division Safety and Security Manager, Division-level administrators, principals, and school-based administrators of special education on the revised visitor policy provided in response to Item 1. The training will include the Division's obligation to not retaliate against an individual who asserts a right or privilege under a law enforced by OCR and will take place during the 2016-2017 school year.

Reporting Requirement: Within 15 business days after the School Board's formal adoption of the revised visitor policy, the Division will provide, for OCR's review and approval, an outline of the training as described in Item 2, along with the name and qualifications of the trainer(s) and a list of staff participants.

Reporting Requirement: Within 15 business days of OCR's approval of the above training provisions, the Division will schedule the training. **Within 10 business days** of the completion of each training session, the Division will provide to OCR copies of sign-in sheets from each training session.

COMMUNICATION POLICY/GUIDELINES

5. The Division will develop a new policy, revise an existing policy, or develop guidelines to address expectations for electronic communication sent to school division employees and consequences for violating the Division's policy/guidelines, including restrictions on a person's access to the Division e-mail system.

Reporting Requirement: The Division will submit for OCR's review and approval a draft policy relating to expectations for electronic communication sent to school division employees.

Reporting Requirement: Within 15 business days after the School Board approves the Division's communication policy, the Division will publish the communication policy on its website and will submit to OCR a link to its website evidencing publication of this policy.

COMMUNICATIONS AND ACCESS TO SCHOOL PROPERTY

6. The Division will, upon execution of this Agreement, remove restrictions on email communications from the Complainant, including removing any blocks placed on the Complainant's email account(s).

Reporting Requirement: Within 10 business days of the removal of all email blocks, the Division will certify that all restrictions on receipt the Complainant's email communication with Division employees have been removed. The Division will also provide to OCR documentation (including a distribution list and copy of the notice) that Division principals and building level administrators of exceptional education have been informed of the removal of the restriction and that the Complainant has been informed that she is permitted to communicate in a professional manner with Division staff via email. This removal of restrictions on the Complainant's email communication will remain in place unless the Complainant's email communication violates the new Division Communication policy.

7. Prior to the start of the 2016-2017 school year, the Division will consider a written request from the Complainant to remove the existing restrictions as outlined in the March 7, 2011 and March 26, 2015 letters. If the Complainant's request contains verification from the Complainant that she has read, understands, and will comply with the Division's current visitor policy and regulations, the Division will remove the existing restrictions outlined in the March 7, 2011 and March 26, 2015 letters.

Reporting Requirement: Within 10 business days of signing the Agreement, the Division will notify the Complainant in writing of her ability to request removal of the existing restrictions outlined in the March 7, 2011 and March 26, 2015 letters.

Reporting Requirement: Within 10 business days of the Division's receipt of the Complainant's request that complies with the criteria set forth in item 7, the Division will provide OCR with a copy of the Complainant's request and the Division's response reflecting the removal of the existing restrictions outlined in the March 7, 2011 and March 26, 2015 letters.

In the meantime, the Complainant will continue to be permitted to attend public meetings of the School Board and its committees, including but not limited to the Special Education Advisory Committee.

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 and groups of students, and request such additional reports or data as are necessary for OCR to determine 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 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.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/
_____ 8/9/16 _____
Dr. James Lane, Superintendent (or designee) Date
Chesterfield County Public Schools