

**RESOLUTION AGREEMENT**  
**King and Queen County Public Schools**  
***OCR Case No. 11-16-1179***

King and Queen County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-1179. This Agreement does not constitute an admission by the Division of a violation of Title VI of the Civil Rights Act of 1964 (Title VI), Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

**Action Item A**

1. If the Student's parents request to reenroll the Student in the Division within one year of the date of the Agreement, and the Student does not have a current Section 504 Plan, the Division will convene a team of knowledgeable persons (e.g., a Child Study Team, Eligibility Committee, or Section 504 Team) within two (2) weeks of the Student's enrollment for the purpose of determining whether the Student should be evaluated pursuant to Section 504, to determine whether she is a student with a disability. The Division will consider the Student's behavior and information obtained by Division staff about the Student, including classroom evaluations and evaluative data, from XXXX to the present.
2. If the team determines the Student is eligible for related aids and services due to a disability, the Division will conduct an evaluation of the Student consistent with the requirements of 34 C.F.R. § 104.35(c), and hold a meeting no later than four (4) weeks after the meeting described in Number 1. The Complainant will be mailed notice of the meeting at least 10 calendar days prior to the meeting. In conducting an evaluation of the Student, the Division must review and carefully consider all relevant testing and other evaluative data, including data related to the Student's behavior and any and all documented disciplinary infractions that resulted in recommendations for suspensions or alternative placements, to make a determination about whether the Student qualifies for eligibility as a student with a disability under Section 504. The Division must also document its process and determination, ensuring that the determination conforms with Section 504's definition of disability and with the other requirements of 34 C.F.R. § 104.35(c) to draw information from a variety of sources; have the decision made by a team of persons knowledgeable about the Student, the evaluation data, and the placement options; and ensure that the information presented at the evaluation is documented and carefully considered. If the team of knowledgeable persons determines that the Student qualifies for related aids and services under Section 504, the team will consider what related aids and services are necessary to ensure that the Student receive a free appropriate public education.
3. If the team determines the Student is eligible for related aids and services due to a disability or the Student reenrolls in the Division with a Section 504 plan, the team will also consider whether the Student requires compensatory and/or remedial services

because of any denial of a free appropriate public education arising from the XXXX and XXXX school years when the Student was not served under an individualized education program or Section 504 plan. If the team determines that the Student requires compensatory and/or remedial services, then the Student's team will develop a plan to make available compensatory and/or remedial services with a completion date not to extend beyond the end of the school year the Student is reenrolled.

Reporting Requirement:

Within seven (7) days of the meeting outlined in Number 1 above, the Division will submit to OCR a copy of the documentation reviewed and minutes taken at the meeting, including an explanation of decisions made. 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.

Within seven (7) days of the meeting outlined in Number 2 above, the Division will submit to OCR a copy of the eligibility summary or similar documentation from the meeting, including an explanation of decisions made, and any and all evaluative data reviewed. If applicable, the Division will also submit to OCR a copy of any completed or draft Section 504 Plan developed for the Student and a description of and schedule for providing compensatory and/or remedial services (if any) to the Student. 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, for review and approval.

Within 10 calendar days after receiving OCR's approval, the Division will provide the Student's parent/guardian with written notice of the outcome of the eligibility and 504 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.

If compensatory and/or remedial services are deemed appropriate, 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 documentation will be provided on or before June 15, 2018 if the Student reenrolls during the 2017-2018 school year or June 15, 2019 if the Student reenrolls during the 2018-2019 school year.

**Action Item B**

1. By September 4, 2018, the Division will develop and provide training to Division and School administrators and special education and/or Section 504 staff, on the requirements of Section 504 and Title II. The training will emphasize the Division's obligations under Section 504 to provide a free appropriate public education (FAPE) to students with disabilities, specifically, by identifying and evaluating students suspected of having a

disability, and developing and implementing a Section 504 Plan, in accordance with Section 504. The training will additionally include a discussion of when the Division has enough information regarding a student to warrant a referral for an evaluation under Section 504. The training will further cover the Division's obligation to ensure the evaluation of students and subsequent eligibility meetings occur without unreasonable delay in situation when a parent/guardian requests an evaluation, whether verbal or written, or the District has information from any source (e.g., parent, health provider, teacher, student, etc.) indicating that a student may have a disability and/or may need special education or related aids and services because of a disability. Finally, the training will cover the Division's obligation to proceed with eligibility meetings even in instances when parents/guardians do not respond to meeting notices or fail to appear at meetings.

**Reporting Requirement:**

By August 1, 2018, the Division will submit for OCR's review and approval the proposed training materials. The Division will also identify the individual(s) who will conduct the training and their qualifications.

Within 10 days of conducting the training, the Division will provide documentation to OCR demonstrating that training was provided, including: (i) the name(s) of the individual(s) who conducted the training; (ii) a list of the individuals who attended the training and their positions; (iii) the date(s) the training was conducted; and (iv) copies of any training materials disseminated.

**Action Item C**

1. By February 16, 2018, the Division will develop and provide training to Division and School administrators who are responsible for discipline, on the Division's Student Conduct Code (the Code), with a specific focus on the following:
  - a. How to apply the range of consequences included in the Code's Table of Offenses and Range of Consequences, and the criteria for selection within the range of sanctions, including but not limited to when a student may be removed from a classroom (e.g., Fighting Level I vs. Fighting Level IV, Disorderly Conduct Level I vs. Disorderly Conduct Level IV).
  - b. How a student's "past behavior" is to be considered in "all discipline matters," as expressed in the Code of Conduct.
  - c. How to interpret "repeated" when used in the Code (e.g., "repeated violations", "repeated infractions", and "repeated offenses").
  - d. Clarification of the requirement that suspended students and his or her parent must meet with School staff prior to readmission and any contingencies for situations where this process is delayed (e.g., parents are unavailable for meeting).

- e. The role and authority of teachers to remove a student from class for disruptive behavior, as expressed in the Code of Conduct.

Reporting Requirement:

By February 2, 2018, the Division will submit for OCR's review and approval a proposed outline of the training, including any other documentation prepared for the training. The Division will also identify the individual(s) who will conduct the training and their qualifications.<sup>1</sup>

Within 10 days of conducting the training, the Division will provide documentation to OCR demonstrating that training was provided, including: (i) the name(s) of the individual(s) who conducted the training; (ii) a list of the individuals who attended the training and their positions; (iii) the date(s) the training was conducted; (iv) copies of any training materials disseminated; and (v) a written summary of the training including any discussion that occurred.

- 2. By July 1, 2018, the Division will audit its record-keeping system regarding discipline to ensure that School staff are adequately and appropriately documenting disciplinary incidents using the School's recordkeeping system. The Division will ensure that School staff are, for each incident of discipline referred to an administrator, documenting:
  - a. The student being referred;
  - b. Date of referral;
  - c. Race of the student;
  - d. Staff member making the referral;
  - e. Staff member determining the sanction;
  - f. Code violation(s);
  - g. Detailed description of the conduct that resulted in the referral (not merely identification of the Code violation);
  - h. Sanction imposed (or, if no sanction was imposed, the reason for that decision);
  - i. Length of sanction in number of days;
  - j. Whether the student was referred to the SRO/law enforcement or the SRO/law enforcement was otherwise involved in the incident;
  - k. Whether the student was ultimately assigned to an alternative school;

The School may elect to input additional information beyond that required above.

Reporting Requirement:

By July 15, 2018, the Division will provide a copy of the audit in Number 2 to OCR, including blank copies of any internal documentation used to record discipline at the school (e.g., referral forms, alternative school recommendation forms, etc.). The Division will also report to OCR any changes to the recordkeeping system the Division will impose as a result of the internal audit.

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<sup>1</sup> The trainer may be someone from within the Division.

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 Title VI, Section 504, and Title II, at 34 C.F.R. Part 100, 34 C.F.R. Part 104, and 28 C.F.R. Part 35, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close 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: 12/11/2017  
Carol B. Carter, Superintendent