

RESOLUTION AGREEMENT
Loudoun County Public Schools
OCR Complaint No. 11-16-1217

Loudoun County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-16-1217. 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.

Action Item A: Requests for Student Records

The Division will develop internal procedures for responding in a timely manner to requests for student records by a student's parent or legal guardian, as required by the Section 504 regulation, at 34 C.F.R. 104.36. The procedures will designate the individuals responsible for responding to such requests; how that individual will communicate the request to necessary staff and administrators; and the manner and timeframe in which they will provide a response to the parent/legal guardian's request.

The Division will issue a notice to all School Principals in the Division about the Division's obligation to provide parents/guardians access to relevant records in a timely fashion, as described above. The notice will also instruct staff on the appropriate procedures for responding to such requests from parents/guardians.

Reporting Requirements:

- a. By July 1, 2018, the Division will provide OCR with a copy of its draft procedures for OCR's review and approval, in accordance with Action Item A above. OCR will make reasonable efforts to respond to the Division in a timely manner.
- b. Within 45 calendar days of receiving approval from OCR, the Division will adopt its procedures and provide to OCR documentation that it has distributed such procedures, along with the notice, to relevant Division personnel.

Action Item B: Retaliation Memorandum

The Division will develop and disseminate a memorandum or similar guidance document to all school Principals and Assistant Principals, as well as to Division-level administrators in school administration, pupil services, and instruction, who are responsible for overseeing school administrators and faculty, that provides information on unlawful retaliation against those engaging in a civil rights-related protected activity, including the Division policy and the procedures available for complaints of retaliation.¹ At a minimum, the memorandum will:

¹ For OCR's purposes, an individual engages in a protected activity if he or she asserts a right or privilege or opposes an act or policy that he or she reasonably believes is discriminatory or unlawful under one of the laws that OCR enforces, or makes a complaint, testifies, assists, or participates in any manner in an OCR investigation, proceeding, or hearing.

1. Explain that Section 504, Title II, Title VI of the Civil Rights Act of 1964 (Title VI), Title IX of the Education Amendments of 1972 (Title IX), the Age Discrimination Act of 1975 (the Age Act), and their respective implementing regulations, prohibit retaliation against individuals who assert the rights of parents, students, and others to be free from discrimination based on race, color, national origin, sex, disability, or age;
2. Explain that retaliation against those engaging in protected activities is unlawful and prohibited by Division policy and federal law;
3. Clarify that parents, students, and others may engage in specific activities that are protected from retaliation by federal civil rights laws;
4. Provide examples of a protected activity;
5. Provide examples of actions that may be considered retaliatory in nature;
6. Clarify that individuals may also file a retaliation complaint with OCR; and
7. Provide contact information for individuals to file complaints of retaliation with the Division.

Reporting Requirements:

- a. By June 1, 2018, the Division will provide to OCR a draft of the memorandum or similar guidance document for OCR’s review and approval, in accordance with Action Item B above. OCR will make reasonable efforts to respond to the Division in a timely manner.
- b. Within 15 calendar days of OCR’s approval of the draft memorandum, the Division will distribute the memorandum to the parties outlined above.
- c. Within 30 calendar days of issuance, the Division will provide documentation that it has issued the memorandum, including providing a copy to OCR and indicating who issued the memorandum and to whom it was issued.

Action Item C: The Complainant

1. By June 1, 2018, the Division will consider holding a conference with XXXX, to discuss the allegation of retaliation and OCR’s determination in OCR Complaint 11-16-1217.

Reporting Requirement:

If the Division elects to hold the conference, by June 15, 2018, the Division will hold the conference and provide OCR with a statement identifying when the conference occurred, who attended, and a summary of the discussion. If the Division determines not to hold a conference with any or all of the staff identified, by June 15, 2018, the Division will provide an explanation to OCR why the conference(s) was unnecessary.

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 regulations implementing

Section 504 and Title II, at 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: _____04/19/2018_____

Loudoun County Public Schools