

**RESOLUTION AGREEMENT**  
**Fairfax County Public Schools**  
*OCR Case No. 11-16-1331*

Fairfax County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-1331, involving a student (the Student) at XXXX. This Agreement does not constitute an admission by the Division of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) or Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR. With the understanding that this Agreement does not constitute and is not to be interpreted as any acknowledgement or admission of noncompliance with applicable law or liability on the part of the Division or its employees, this Agreement has been entered into in order to reach a prompt resolution and to help ensure the Division's existing and future compliance with Section 504. This agreement, when fully implemented, will resolve the issue(s) contained in OCR Complaint No. 11-16-1331.

1. By February 10, 2017, the Division will provide training to all XXXX staff responsible for convening Section 504 meetings, including school counselors and all school administrators. The training should address, at a minimum: (i) the Division's responsibilities for ensuring that all Section 504 placement decisions are made by a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options; (ii) the Division's responsibilities with regard to evaluating any student who needs or is believed to need special education or related services due to a disability.

Reporting Requirements:

- a. By December 16, 2016, the Division will provide OCR a copy of the training materials and the name and title of the person(s) who will conduct the training for review and approval.
  - b. By March 1, 2017, the Division will provide OCR: (i) a copy of the final training materials, (ii) sign-in sheets including the names, titles, and school of all Division staff who received this training, and the date each individual completed the training, and (iii) any other documents related to the completion of the training.
2. By December 16, 2016, after providing proper written notice to the Student, the Division will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the parent/guardian and the Student, with the purpose of considering whether the Student is owed compensatory services, for Allegation 3(a) of the Notification/Data Request Letter (dated July 1, 2016) and the time period from December 2015 to May 2016. In the event the team determines compensatory services are owed, such services shall be provided by July 31, 2017. The Division will provide the Student and 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 Requirement:

- a. Within 10 business days of the meeting described in Paragraph 2, the Division will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation of decisions made, a description of and schedule for providing compensatory 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 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 calendar days after receiving OCR's approval, the Division will provide the Student with written notice of the outcome of the meeting, including an explanation for decisions made and a description of and schedule for providing compensatory (if any) to the Student. The Division will provide a copy of this written notice to OCR.
- c. In the event compensatory services are owed to the Student, by August 30, 2017, the Division will provide documentation to OCR of the dates, times, and locations the compensatory service was provided, a description of what was 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 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.

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, which was 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: \_\_\_\_\_12/05/2016\_\_\_\_\_

Steven A. Lockard, Ph.D.  
Interim Division Superintendent