

RESOLUTION AGREEMENT
Prince William County Public Schools
OCR Complaint No. 11-16-1797

Prince William County Public Schools (the Division) agrees to fully implement this Resolution Agreement (the Agreement) to resolve the allegation investigated in Office for Civil Rights (OCR) Complaint No. 11-16-1797. 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: The Student

By November 15, 2020, after providing proper written notice to the Complainant, the Division will convene a group of persons knowledgeable about the Student to determine whether the Student was denied a free appropriate public education (FAPE), from the beginning of the 2016-2017 school year through September 28, 2016, as a result of any failure by the Division to implement the Student's Section 504 Plan, XXXXX XXXXX XXXXX XXXXX (XXXXX), or XXXXX XXXXX XXXXX (XXXXX) during that timeframe. If so, the group will assess whether there are any remedies available to the Student, including with respect to compensatory services, to be provided by the end of the 2020-2021 school year. To the extent that the Student has a Section 504 Plan, XXXXX, XXXXX, or any other related plans, for the 2020-2021 school year, the group will also consider whether such plans should be modified to clarify who is responsible for the implementation, monitoring, and record-keeping thereof; and, whether such plans are written to be consistent with one another, such that there are no conflicts or discrepancies amongst such plans.

Reporting Requirements:

1. Within fourteen (14) school days of the meeting for the Student, the Division will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to the Student, and a list of meeting attendees. The Division will also submit to OCR a copy of the written invitation to the Complainant and a copy of the notice of the outcome of the meeting that was provided to the Complainant. OCR will review the documentation submitted to ensure that the Division has 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.
2. If applicable, by July 15, 2021, the Division will provide documentation to OCR of the following: (a) the dates, times, and locations that compensatory and/or remedial services were provided to the Student; (b) a description of what was provided; (c) the name(s) of the service provider(s); and (d) any documentation evidencing the provision of the compensatory and/or remedial services, such as logs, notes, etc.

Action Item B: Section 504/Title II Training

By December 31, 2020, the Division will develop and provide training¹ to XXXXX XXXXX School (the School) teachers, medical and nursing staff, and administrators regarding the Division’s responsibilities to provide a free appropriate public education (FAPE) to students with disabilities under Section 504 and Title II, with a specific focus on students with XXXXX. The training will, at minimum, emphasize the Division’s obligations to provide a FAPE to students with disabilities, specifically, by developing and implementing, as appropriate, a Section 504 Plan, an Individualized Education Program (IEP), a XXXXX, an XXXXX, or other related plan, in accordance with the procedural requirements set forth in the regulation implementing Section 504, at 34 C.F.R. § 104.33 and § 104.35(c).²

Reporting Requirement:

By January 15, 2021, the Division will provide OCR with documentation confirming completion of the required training, including: (a) the name of the individual(s) who conducted the training and their qualifications; (b) the date(s) of the training session(s); (c) all training materials; and (d) a sign-in sheet including a list of the names, signatures, and position titles of the School personnel who participated in each training session.³

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 the Agreement. Further, the Division understands that during the monitoring of this Agreement, if necessary, 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 and obligations of this Agreement. Upon the Division’s satisfaction of the commitments made under this Agreement, OCR will close this complaint.

The Division understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the Division written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By: _____/S/_____ Date: September 30,
2020
Steven L. Walts, Ed.D.
Superintendent of Schools (or Designee)
Prince William County Public Schools

¹ The Division may provide an in-person, video, or virtual training; however, the Division will ensure that the format used provides participants with an opportunity to ask questions or request clarification of the appropriate Division personnel on the material presented.

² If the Division would like OCR’s feedback on the proposed training in advance, it may provide OCR with a draft copy of the training materials at least twenty-one (21) calendar days before the scheduled date of the training.

³ To the extent that the Division may have already provided training to the specific individuals identified above during the 2019-2020 or 2020-2021 school years, such that it was provided in accordance with Action Item B, the Division may submit such documentation to OCR for consideration during the course of OCR’s monitoring of the Agreement.