

RESOLUTION AGREEMENT
Richmond City Public Schools
OCR Complaint No. 11-17-1051

Richmond City Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-17-1051. 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: Compensatory Education

By March 1, 2018, after providing proper written notice to the Student's parent/guardian, the Division will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the parents/guardians, if they maintain the student's educational rights, for the purpose of determining whether the Student requires compensatory and/or remedial services for the time period the Student did not receive special education and/or related services during the XXXX school years. Specifically, the group will consider whether the Student requires compensatory education for the following:

- a. Regular and special education instruction or related aids and services from XXXX;
- b. Special education and related aids and services necessary for the Student to receive Free Appropriate Public Education (FAPE) during the period of XXXX; and
- c. XXXX services for the period from XXXX when the Student did not receive related services.

If the group determines that the Student requires compensatory education the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 30, 2018. The plan will identify the nature and amount of the services to be provided at no cost to the student, who (by role or title) will provide the services, and when the services will be provided. The compensatory education services will be delivered in a manner so as not to hinder the delivery of any services required by the Student's current educational program. The Division is under no obligation to provide services if the services are refused by the parents/guardians, if they maintain the Student's educational rights, or the adult Student.

The Division will provide the Student's parent/guardian, if they maintain the Student's educational rights, or the adult Student with notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

- a. Within three (3) weeks of the meeting, 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, the notice of procedural safeguards, the written invitation to the Student’s parent/guardian, if they maintain the Student’s educational rights, or the adult Student, and a list of meeting attendees. 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.

- b. Within 10 calendar days after receiving OCR’s approval that it has met the procedural requirements set out in subparagraph (a) above, the Division will provide the Student’s parent/guardian, if they maintain the Student’s educational rights, and/or the adult 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 and/or remedial services (if any) to the Student. The Division will provide a copy of this written notice to OCR.
- c. If the group decides that compensatory education is required, by July 15, 2018, 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).

Action Item B: Training

By July 15, 2018, the Division will provide training to 1) School staff, including teachers and related service providers, special education and Section 504 staff, administrators, and any other School personnel responsible for determining what services are necessary for a student to receive free appropriate public education (FAPE) while on home based or homebound instruction and serving students who, because of a disability, need or are believed to need special education and/or related aids and services consistent with the requirements of Section 504 and Title II; 2) Division-level personnel who are responsible for overseeing the determining what services are necessary for a student to receive FAPE and the provision of services to students with disabilities; and 3) School and Division-level personnel who are responsible for considering, coordinating, and providing homebound services and/or home instruction to students who may qualify as a student with a disability. The training, at a minimum, will emphasize:

1. The Division’s obligations to determine what services are necessary to receive FAPE, and to provide a FAPE to students with disabilities, specifically, by developing and implementing a Section 504 Plan, an Individualized Education Program (IEP), or any other program/plan, in accordance with the procedural requirements set forth in 34 C.F.R. §104.35(c).
2. The Division’s policies and procedures pertaining to home instruction and other homebound services available to students. The training will emphasize how to implement such policies and procedures to ensure that the Division does not discriminate

against students on the basis of disability, and to ensure that the Division provides students with disabilities a FAPE during homebound or other home instruction.¹

3. The Division's policies and procedures prohibiting discrimination on the basis of disability, including retaliation against any individual who asserts rights or privileges under federal civil rights laws, including Title II and Section 504, or who files a complaint, testifies, assists, or participates in a proceeding under Title II and/or Section 504.

Reporting Requirements:

- a. By April 1, 2018, the Division will submit for OCR's review and approval training materials as described in Action Item B (1-3) above. The Division may request that OCR consider training it previously conducted during the 2017-2018 school year to satisfy the requirements of Action Item B.
 - i. For trainings pertaining to the above requirements already held during the 2017-2018 school year,
 1. The Division will provide (a) the name(s) of the individual(s) who conducted the training(s) and their qualifications; (b) the agenda and handouts from any trainings conducted; (c) the date(s) the training was conducted; and (d) a list of individuals who attended the training and their positions
 2. OCR will review the materials and determine whether the training complied with OCR's requirements described in Action Item B (1-3), and notify the Division whether the training met OCR's requirements.
 3. If the training did not meet the above requirements pursuant to (a)(iii), the Division will submit proposed training materials pursuant to (a)(ii)
 - ii. For trainings not already held during the 2017-2018 school year, The Division will (a) identify the individual(s) who will conduct the training and their qualifications and (b) the agenda and/or handouts for the proposed training for OCR's review and approval.
 - iii. OCR will review submitted materials and determine whether any training complies with OCR's requirements described in Action Item B (1-3), and notify the Division in a timely manner whether the training meets OCR's requirements.
- b. By July 30, 2018, the Division will provide documentation to OCR demonstrating that training was provided consistent with Action Item B (1-3) above, including: (a) the name(s) of the individual(s) who conducted the training; (b) a list of the

¹ Decisions regarding special education and related aids and services necessary for a student to receive FAPE during home instruction must be made based on an individualized assessment of a student's needs through a process that comports with the procedural requirements of Section 504.

individuals who attended the training and their positions; (c) the date(s) the training was conducted; and (d) copies of any training materials disseminated.

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, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35, which was 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: 02/21/2018
Jason Kamras
Superintendent
Richmond City Public Schools