

RESOLUTION AGREEMENT
Hampton City Schools
OCR Complaint No. 11-17-1095

Hampton City Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-17-1095. 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), Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

Action Item A: The Student

1. By October 15, 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 parent/guardian, to discuss whether the Student requires the provision of compensatory and/or remedial services for any time during the 2016-2017 school year that the Student did not receive appropriate regular and/or special education or related services. If the group determines that the Student requires such services, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 15, 2019. The Division will provide 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 Requirements:

- a. Within one week 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, 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 notification from OCR that the documentation from the meeting meets the requirements of the above-listed regulations, the Division will provide the Student's parent/guardian with written notice of the outcome of the meeting, that includes 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 documentation to OCR.
- c. By July 1, 2019, 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).

2. By October 15, 2018, the Division will hold a staffing meeting with the Student's current case manager and special education service providers. During this meeting, the school staff will develop a plan to track, in writing, implementation of the Student's IEP during the 2018-2019 school year, particularly documenting the provision of special education and/or related aids and services, as required by the Student's IEP.

Reporting Requirements:

- a. By October 15, 2018, the Division will provide OCR, for review and approval, a written description of the method the School will use to track whether the Student is receiving the services, as required by his IEP.
- b. After receiving OCR's approval of the Division's written description, by January 15, 2019 and again by July 1, 2019, the Division will provide documentation to OCR to support its implementation of the plan to track the Student's services.

Action Item B: Implementation of Students' Individualized Education Programs

1. By October 15, 2018, the Division will develop a training plan for relevant XXXX (the School) staff and other Division administrators.¹ The training, at a minimum, will emphasize the Division's obligations to provide a free appropriate public education (FAPE) to students with disabilities, specifically, by developing and implementing an IEP or Section 504 Plan in accordance with the procedural requirements set forth in 34 C.F.R. §104.35(c). The training will also emphasize the Division's obligations to periodically reevaluate a student who has been provided special education and/or related aids and services, including whether there is information suggesting that a student's educational program is not meeting the student's individual needs and whether further evaluation or revisions to the student's IEP, Section 504 Plan, BIP, or placement are necessary, in accordance with the procedural requirements set forth in 34 C.F.R. § 104.35(d).

Reporting Requirements:

- a. By October 15, 2018, the Division will submit for OCR's review and approval the proposed training materials as described in Action Item B(1) above. The Division will also identify the individual(s) who will conduct the training and their qualifications. The Division will identify those individuals to whom it will provide training, as referenced in Footnote 1.
- b. Within 60 calendar days of OCR's approval of the training plan, the Division will provide documentation to OCR demonstrating that training was provided consistent with Action Item B(1) above, including: (a) the name(s) of the individual(s) who conducted the training; (b) a list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; and (d) copies of any training materials disseminated.

¹ Staff to participate in the training will include the Division-based members of the Student's IEP team during the 2016-2017 school year who are still employed by the Division.

2. The Division will circulate a memorandum to School staff that are responsible for providing services to students with disabilities regarding their obligations under Section 504 to implement students' Individualized Education Programs (IEPs) or other such programs (e.g., Section 504 Plans) with fidelity (including providing the hours of instruction indicated on the IEP), collecting data in accordance with the IEP, and periodically revising the IEP based on the needs of the student. The memorandum will also reference the Division's policy prohibiting discrimination based on disability and provide a reminder of the Division's obligation not to discriminate on prohibited bases, including disability.

Reporting Requirements:

- a. By October 15, 2018, the Division will provide for OCR's review and approval a draft of the memorandum.
- b. Within 30 school days of OCR's approval of the draft memorandum, the Division will issue the memorandum to the parties outlined above and provide OCR with documentation that it has issued the memorandum, including providing a copy of the memorandum and an indication of who issued it and who received it.

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 of this Agreement. Upon the Division's satisfaction of the commitments made under this Agreement, OCR will 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 will give the Division written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By: _____ Date: _____
Dr. Jeffery Smith
Superintendent (or Designee)
Hampton City Schools