

RESOLUTION AGREEMENT
Lee County Public Schools, Virginia
OCR Complaint No. 11-17-1184

The U. S. Department of Education's Office for Civil Rights (OCR) and Lee County Public Schools (the Division) enter into this Resolution Agreement (Agreement) to resolve the allegations in the above-referenced complaint. 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.

Prior to the completion of OCR's investigation, the Division agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the Division agrees to take the following actions.

1. **By October 30, 2017**, the Division will provide training to XXXX ("School") faculty and administrators and appropriate Division administrators on how to respond promptly and equitably to reports of harassment against students on the basis of disability, including the provision of interim protective measures and protections from retaliation. During the 2017-2018 school year, the Division will ensure that all new relevant School and Division staff receive such training within thirty (30) school days of the commencement of their employment.

Reporting Requirements:

- a. **By September 30, 2017**, the Division will provide OCR a draft of the proposed training materials and the name(s) and qualifications of the proposed trainer(s).
- b. **Within fifteen (15) calendar days of the training**, the Division will provide OCR with evidence that training has been provided to the specified personnel, including the training dates and a roster of attendees.
- c. On June 30, 2018, the Division will provide OCR with evidence that relevant School and Division staff that were newly employed during the 2017-2018 school year received training within 30 school days of the commencement of their employment.

2. **By October 30, 2017**, the Division will provide age-appropriate training to School students on bullying and peer harassment, including disability harassment.

Reporting Requirements:

- a. **By September 30, 2017**, the Division will provide OCR a draft of the proposed training materials and the name(s) and qualifications of the proposed trainer(s).
- b. **Within fifteen (15) calendar days of the training**, the Division will provide OCR with evidence that training has been provided to the students, including the training dates and a description of the students who attended on each date.

3. **By August 30, 2017**, the Division will conduct a Section 504 meeting to address the Student's Section 504 plan for the 2017-2018 school year, including any necessary revisions to the plan provisions and steps for ensuring that the plan will be provided to the

Student's school for the 2018-2019 school year and to consider additional eligibility identifications.

Reporting Requirement:

By September 15, 2017, the Division will submit to OCR a copy of the meeting minutes (if taken during the meeting) or similar documentation from the meeting, including an explanation for decisions made, a copy of the Student's Section 504 plan, the notice of procedural safeguards, the written invitation to the Student's parents, 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 its determinations.

4. By August 30, 2017, the Division agrees to send a letter to the Student's parents inviting them to identify (by September 30, 2017) any inaccurate facts contained within the XXXX investigative report. The Division agrees to review the Complainant's feedback and will change any dates or statements that can be verified as an inaccurate fact by October 15, 2017. By October 30, 2017, the Division agrees to send an updated investigative report (if any) to the Student's parents. The Division also agrees to place a copy of this Agreement and OCR's forthcoming resolution letter with the XXXX letter to the Complainant and its attached investigative report in the investigative file maintained by the Division.

Reporting Requirements:

- a. **By September 1, 2017**, the Division will provide documentation to OCR that it has sent the Student's parents a letter inviting them to identify inaccurate facts, if any, contained in the XXXX investigative report.
 - b. **By November 1, 2017**, the Division will provide document to OCR that it sent the Student's parents a copy of the new investigative report, if any.
 - c. **Within fifteen (15) calendar days** of the signing of this Agreement, the Division will provide confirmation that a copy of the OCR letter and Agreement were placed in the file with the XXXX investigative report.
5. **By September 30, 2017**, after providing written notice to the Student's parents at least ten (10) days prior to the meeting, the Division will convene a group of persons knowledgeable about the Student with the purposes of: determining if the Student is entitled to any compensatory and/or remedial educational services for any XXXX services not provided in the XXXX; and determining if whether any remedial and/or protective measures should be put in place for the 2017-2018 school year to ensure the Student's continued safety at school. If the team determines that the Student is entitled to any such services and/or measures, the group will develop a written plan for providing timely services and measures to the Student.

Reporting Requirements:

- a. **Within seven (7) days 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 educational services and additional measures (if any) to the Student, the written invitation to the Student's parents, and a list of meeting attendees.

- b. **By December 15, 2017**, the Division will submit to OCR documentation of the dates, times, and locations that services and measures (if any) were provided to the Student, a description of what was provided, and the name(s) of the provider(s).

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 the Division's completion of the obligations under this Agreement, OCR will close and dismiss 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.

FOR THE DIVISION:

_____/s/_____
Name and Title

Date: 8/14/2017