

RESOLUTION AGREEMENT
Virginia Beach City Schools
OCR Complaint No. 11-17-1514

Virginia Beach City Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-17-1514. 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.

1. By September 30, 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 evaluate whether the Student is a student with a disability under Section 504 and, in doing so, it will:
 - (i) draw upon a variety of sources; (ii) document and carefully consider the information obtained from all sources; (iii) ensure that the Student's Section 504 Plan, if applicable, is developed by a group of individuals knowledgeable about the Student; and (iv) notify the Complainant of her due process rights. The group will also discuss the provision of compensatory and/or remedial services to the Student for the time period the Student was allegedly not evaluated for appropriate related aids services under Section 504, XXXXX. If the group determines that the Student needs such services, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond October 1, 2019. The Division will not be required to provide compensatory or remedial services if the parent/guardian does not make the Student available according to the plan. 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 OCR's approval, the Division will provide the Student's parent/guardian 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. By October 15, 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, the name(s) of the service provider(s), and any supporting documentation (e.g., logs, etc).

2. By December 15, 2018, the Division will train all instructional staff and administrators at the School on the Division's Section 504 policy and procedures and the requirements of Section 504 and Title II. The training will emphasize the Division's obligations under Section 504 to identify and refer for evaluation all students who need or are believed to need regular or special education or related aids and services, XXXXX.

Reporting Requirements

- a. By September 30, 2018, the Division will provide for OCR's review and approval a copy of the training materials prepared for this provision, including the name(s), title(s), and qualifications of the trainer(s), and any handouts or presentations developed for this training.
- b. Within 10 days of the completion of the approved trainings, the Division will provide OCR with documentation confirming completion of the training, including: (a) the date(s) of each training session(s) and (b) a sign-in sheet including the list of names and titles of the Division personnel who participated in each training session,

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: 9/21/18
Dr. Aaron C. Spence, Superintendent