

RESOLUTION AGREEMENT
Roanoke County Public Schools
OCR Case No. 11-18-1031

Roanoke County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-18-1031. This Agreement does not constitute an admission by the Division of a violation of Title II of the Americans with Disabilities Act of 1990 (Title II) or any other law enforced by OCR.

Action Item A

The Division will revise the “Service Animals in Public Schools” policy (Policy 9.12) to ensure it is consistent with the applicable provisions of Title II, its implementing regulation at 28 C.F.R. § 35.136, and the Department of Justice’s ADA service animal guidance, available at http://www.ada.gov/service_animals_2010.htm and https://www.ada.gov/regs2010/service_animal_qa.html.

Reporting Requirements:

- a) By June 1, 2021, the Division will submit its proposed revisions to Policy 9.12 to OCR for review and approval.

- b) Within 30 calendar days of receiving OCR’s approval, the Division will provide OCR with documentation that it has (1) formally adopted the revised Policy 9.12; (2) published the revised Policy 9.12 on its website and any other location where School Board policies are normally published; (3) disseminated the revised Policy 9.12 to all current Division employees who are responsible for enforcing this policy, including administrators, teachers, and front office staff; and (4) sent an electronic notification through normal communication channels notifying the school community, including all parents/guardians, of the revised Policy 9.12.

Action Item B

The Division will provide training regarding service animals and the applicable provisions of Title II, its implementing regulation at 28 C.F.R. § 35.136, and the Department of Justice’s ADA service animal guidance, available at http://www.ada.gov/service_animals_2010.htm and https://www.ada.gov/regs2010/service_animal_qa.html. The training will review the Division’s revised Policy 9.12 and will also address, at a minimum, general obligations under Title II to grant access to individuals who use service animals; guidance and examples explaining the bases for excluding a service animal; and clarification that there is no requirement under Title II for a student or visitor with a service animal to: (1) provide a veterinary health certificate, (2) evidence of his or her disability, or (3) evidence of the animal’s certification as a service animal. The Division will provide the training to all Division principals and assistant principals.

Reporting Requirements:

- a) No less than 30 calendar days prior to the scheduled training described in Action Item B, the Division will send for OCR’s review and approval: (1) the proposed date, time and location of the training; (2) a copy of any materials that the Division plans to use at the training; (3) a list of the proposed attendees’ names, titles, and work locations; and (4) the name, title, and credentials of the individual who will conduct the training.

- b) Within 120 calendar days of the Division’s adoption of the revised Policy 9.12, the Division will provide OCR with documentation that it has provided the required training as outlined in action Item B. The Division will provide OCR with: (1) the date, time and location of the training; (2) a copy of any materials that the Division used at the training; (3) a list of the attendees’ names, titles, and work locations as well as sign-in sheets to confirm attendance; and (4) the name, title, and credentials of the individual who conducted the training.

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 terms and obligations of this Agreement, OCR will close this case.

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: _____
Dr. Jessica McClung, Assistant Superintendent
Roanoke County Public Schools

Date: _____
April 16, 2021