

RESOLUTION AGREEMENT
Powhatan County Public Schools
OCR Complaint No. 11-18-1126

Powhatan County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-18-1126. This Agreement does not constitute an admission by the Division of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) or Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

Action Item A: Review and Assess Division’s “Service Animals in Public Schools Policy”

By March 2, 2020, the Division will review and assess its “Service Animals in Public Schools Policy” (the Policy) and will amend it as necessary to ensure that it complies with Title II, specifically clarifying the following:

1. Individuals with disabilities have the right to be accompanied by service animals in all parts of Division facilities where the public, participants in programs and activities, or invitees are allowed, without providing prior notice.
2. In circumstances where a student, employee or classroom visitor with a disability wishes to bring a service animal to school during regular school hours (except for an event that is otherwise open to the public), the individual is encouraged, but is not required, to provide advanced notice prior to the use of a service animal on school property to afford the Division an opportunity to: (a) ascertain whether there are any students or staff members in the building with an allergy or a phobia to the service animal; (b) ascertain whether any students or staff members with any allergy or phobia to the service animal require accommodation(s); (c) to develop a plan, if necessary, to introduce the service animal to the school environment; and (d) to take such further action deemed necessary to prepare for the service animal being in the school setting.

Reporting Requirements:

- a. By March 6, 2020, the Division will report to OCR the results of the review and any amendments made to the Policy, as required by Action Item A, and other actions taken, if any.
- b. By March 20, 2020, and if applicable, the Division will provide notice of the revised/amended policy on its website and in any other locations where the Policy is published.

Action Item B: Staff Training

By March 27, 2020, the Division will provide training to relevant Division and XXXXX (the School) administrators regarding service animals and the Division’s obligation to comply with

Title II, including the allowance of service animals in Division facilities, as stated in Action Item A above; when a service animal may be excluded; permissible responses to individuals inquiring about bringing service animals to Division facilities; and any amendments made to the Policy.

Reporting Requirements:

- a. By March 13, 2020, the Division may voluntarily submit to OCR an outline of the content of the training and the name and credentials of the individual who will present the training to School staff.
- b. Within 5 calendar days of the training, the Division will provide documentation that such training was provided consistent with the requirements 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.

Action Item C: Notice to the Complainant

By March 27, 2020, the Division will send the Complainant a letter notifying her of and enclosing a copy of the Policy. The letter will state that, in accordance with Policy, the Student is permitted to be accompanied by his service animal to Division facilities, including but not limited to his classroom(s), related services, and School activities/programs or events, consistent with Action Item A. The Complainant will be also be encouraged, although not required, to provide advanced notice prior to the Student's use of a service animal on school property.

Reporting Requirements:

- a. By March 13, 2020, the Division may voluntarily submit to OCR a draft of the letter to be issued to the Complainant.
- b. By March 30, 2019, the Division will provide OCR with a copy of the letter issued to the Complainant.

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 complaint.

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: _____/s/_____
Superintendent or Designee
Powhatan County Public Schools

Date: 11/20/2019