

**RESOLUTION AGREEMENT**  
**Loudoun County Public Schools**  
**OCR Case No. 11-18-1244**

Loudoun County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-18-1244. 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.

**Action Item A: The Student**

1. By October 15, 2018, after providing proper written notice to the Complainant or 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, with the purpose of determining whether the Student requires compensatory and/or remedial services for any time period that the Division failed to provide the Student with: services provided by the Student's teacher for the XXXXXX; and accessible learning materials in all of the Student's classes, including but not limited to large print/font and high contrast materials (hard copy and electronic), as required by her Individualized Education Program (IEP), during the 2017-2018 school year at XXXXXXXX School (the School). If necessary, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond January 31, 2019.<sup>1</sup> 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.

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<sup>1</sup> If the Division previously determined that the Student does/does not require compensatory and/or remedial services as described, the Division may provide OCR with copy of the IEP Team meeting minutes and notes, as well as documentation of whether such services were already provided, as described in Reporting Requirement (c).

- c. By July 31, 2019, the Division will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services (if any) were provided, a description of what was provided, and the name(s) of the service provider(s).
2. By January 15, 2019, the Division will ensure that it has developed a written plan or schedule outlining how it will provide and track the services in the Student's IEP during the 2018-2019 school year

**Reporting Requirements:**

- a. By November 1, 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 special education services, as required by her IEP.
- b. After receiving OCR's approval, the Division will provide documentation to OCR to support its implementation of the plan to track the Student's services and check its implementation of the Student's IEP on February 1, 2019 and July 31, 2019.

**Action Item B: Training**

The Division will train all instructional staff and administrators at the School who teach or work with the Student regarding the Student's disability and the requirements of the Student's IEP. The training will emphasize the Division's obligations under both Section 504 and the Individuals with Disabilities Education Act (IDEA) to provide the special education and/or related aids and services that are required by the Student's IEP with fidelity, and will reference and Division policies or procedures on this topic.

**Reporting Requirements:**

- a. By November 1, 2018, the Division will submit for OCR's review and approval the proposed training materials as described in Action Item B 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. By December 14, 2018, the Division will complete the training.
- b. By January 15, 2019, the Division will provide documentation to OCR demonstrating that training was provided consistent with Action Item B 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.

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 regulation implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which was at issue in this case. Upon completion of the obligations under this Agreement, OCR shall 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 shall give the Division written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
XXXXXXXXXXXXX  
Supervisor, Special Education Procedural Support  
Loudoun County Public Schools