

RESOLUTION AGREEMENT
Colonial Beach Public Schools
OCR Complaint No. 11-18-1266

Colonial Beach Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-18-1266. This Agreement does not constitute an admission by the Division of a violation of Title VI of the Civil Rights Act of 1964 (Title VI), 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 October 31, 2018, the Division will provide mandatory training to all Division administrators and staff with responsibilities concerning the admission or enrollment of non-resident students, as well as all members of the Student's Section 504 team¹ on (i) the requirements of Title VI; (ii) the requirements of Section 504 and Title II, including guidance concerning the Division's obligation to reevaluate students with disabilities prior to a significant change in placement; and (iii) retaliation, including guidance describing the elements of retaliation. The training will include guidance on appropriate mechanisms to document and track decisions made concerning admission and enrollment of non-resident students to ensure consistency and compliance with Title VI, Section 504 and Title II, and the anti-retaliation protections under these laws.

Reporting Requirement:

- a. By October 1, 2018, the Division will submit for OCR's review and approval the proposed training materials as described in Paragraph 1. The Division will also identify the individual(s) who will conduct the training and the qualifications of the individual(s).
 - b. By November 6, 2018, the Division will provide OCR with documentation confirming completion of the required training, including: (a) the date of each training session(s); and (b) a sign-in sheet including a list of the names, signatures, and titles of the Division personnel who participated in each training session.
2. Within five days of signing this Agreement, the Division will extend a written offer of admission to the Student's parent/guardian to reenroll the Student in the Division for the 2018-2019 academic year. The offer shall include the opportunity to reenroll the Student immediately, or, at the parent/guardian's option, on January 3, 2019. The Division will give XXXXX 21 days to respond to this offer.

¹ The Division may choose to have the members of the Student's Section 504 team either attend this full training, or attend a separate training limited in scope of to the requirements of Section 504 and Title II, as described in subsection (ii).

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Reporting Requirements:

- a. Within three days of sending the written offer(s) described above, the Division will provide a copy of the offer(s) to OCR.
 - b. Within 10 days of receiving a response from XXXX (either orally or in writing), the Division will provide: (1) evidence of the XXXXX decision and, if they choose to reenroll the Student in the School, (2) evidence of reenrollment. If the XXXXX response is oral, the Division will provide a memorandum outlining their decision, when this was communicated, and to whom it was communicated.
3. By October 12, 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 discuss whether it is appropriate to provide compensatory and/or remedial services to the Student for the time period that the Student did not receive appropriate regular and/or special education or related services, from XXXXX to the date that the Student began receiving special education or related services from his receiving school division following its evaluation and placement determinations under Section 504, and, if so, what specific compensatory and/or remedial services are appropriate. If deemed appropriate, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 14, 2019. 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 Requirement:

- 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. If applicable, by June 28, 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, and the name(s) of the service provider(s).

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: _____
Name and Title