

RESOLUTION AGREEMENT
Williamsburg-James City County Public Schools
OCR Case No. 11-18-1361

Williamsburg-James City County Public Schools (the Division) voluntarily enters into and agrees to fully implement this resolution agreement (Agreement) with the Office for Civil Rights (OCR) to resolve Complaint No. 11-18-1361. 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.

1. By October 15, 2018, after providing proper written notice to the Student's parent(s)/guardian(s), the Division will convene a group of persons knowledgeable about the Student, making a reasonable effort to include the Student's parent/guardian, and determine whether there was a delay in timely conducting a re-evaluation of the Student's 504 Plan during the period between November 21, 2017 and March 28, 2018, and whether compensatory and/or remedial services are owed. The Division will mail notice of the meeting to the Student's parent/guardian at least 10 calendar days prior to the meeting, and the Division will attempt to contact the Student's parent/guardian via telephone at least 10 calendar days prior to the meeting for the purpose of inviting the parent/guardian to the meeting. In the event that the team or group of persons knowledgeable determines that compensatory and/or remedial services are required, the team will offer to provide compensatory and/or remedial services to the Student and develop a plan for delivery of those services. The plan for delivery of services will include a timetable to provide the services by November 30, 2018.

Reporting Requirements:

- a. By October 25, 2018, the Division will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including the prior written notice and/or 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 the Section 504 committee meeting, 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 December 31, 2018, the Division will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services

were made available, a description of what was made available, the name(s) of the service provider(s), and whether the Student attended.

2. By October 15, 2018, the Division will train all special education administrators and 504 coordinator(s) at Warhill High School on Section 504 and the requirements of Section 504 and Title II. The Division will provide training regarding the procedural requirements of Section 504 for convening Section 504 meetings to consider the identification, evaluation, and placement of students with disabilities and the Division's procedures for meeting these requirements. The training will also include the Division's responsibility to and its process for identifying whether a student needs to be re-evaluated to determine whether further evaluation or modification to the student's Section 504 Plan or other applicable plan is necessary.

Reporting Requirements:

- a. By September 15, 2018, the Division will submit for OCR's review and approval the proposed training materials as described 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.
- b. By November 1, 2018, the Division will provide documentation to OCR demonstrating that training was provided consistent with the 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 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: _____
Dr. Olwen Herron
Superintendent or Designee
Williamsburg-James City County Public Schools

Date: September 6, 2018