

**RESOLUTION AGREEMENT**  
**Henrico County Public Schools**  
**OCR Complaint No. 11-18-1390**

Henrico County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint/Case No. 11-18-1390. 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.

1. By January 30, 2019, 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 the following:
  - a) The provision of compensatory and/or remedial services to the Student for the time period the Student did not receive appropriate regular and/or special education or related services from February to June 2018, including dates when School staff assigned to provide services to the Student were absent, or when School staff failed to implement the Student's IEP or BIP regarding his behavior, i.e., verbal prompts, targeted assistance, cool down, etc.. If the group determines that the Student needs such services, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond August 2019.
  - b) Whether the Student's IEP team needs to clarify or modify the provisions of the Student's IEP and/or BIP concerning his behavior, i.e., verbal prompts, targeted assistance, cool down, etc., to ensure understanding and consistent implementation regarding these provisions in the Student's plans.
  - c) Any meetings held to satisfy this paragraph will be held in compliance with the procedural requirements at 34 C.F.R. Section 104.35(b) and (c) including but not limited to drawing upon information from a variety of sources and making sure that utilized information is carefully considered by the group.

The Division will provide the Student's parent/guardian with notice of the procedural safeguards, including the basis for the group's decision and 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.
  - c) If the group determines that the Student needs compensatory and/or remedial services, then by August 2019 the Division will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services, a description of what was provided, and the name(s) of the service provider(s).
2. By January 15, 2019, the XXXXX School will develop a written plan for when School staff assigned to provide necessary services to the Student per his IEP and BIP are absent. The Division will provide a copy of the written plan to the Complainant.

**Reporting Requirements:**

- a) Within ten (10) days prior to finalizing the written plan, the Division will submit a copy of the draft written plan to OCR. OCR will review the documentation submitted to ensure that the Division identified individuals and that the individuals have been properly trained on the Student's IEP and BIP.
- b) Within one week of providing the Complainant a copy of the written plan, the Division will submit to OCR confirmation that the Complainant received a copy of the written plan.

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.

Date: December 7, 2018

By: Nyah Hamlett  
Superintendent or Designee (please sign and print name)