

RESOLUTION AGREEMENT
Prince William County Public Schools
OCR Complaint No. 11-18-1409

Prince William County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-18-1409. This Agreement does not constitute an admission by the Division of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

Action Item A: Significant Assistance Procedure/Guidance

1. The Division will adopt a procedure or issue written guidance stating that it will not provide significant assistance to any agency, organization or person that discriminates on the basis of disability in providing before and/or after school care to Division students. The Division will comply with its policies and state and federal laws, prior to the revocation of any significant assistance to an agency or organization providing before and/or after school care to Division students. Examples of significant assistance may include, but are not limited to, the following: use of Division buildings/facilities, custodial services, food services, and professional development.
2. The Division will provide notice to the current School Age Child Care (SACC)/XXXX of the procedure or written guidance stated in Action Item A(1), and also will routinely provide this notice whenever any agencies, organizations, and persons seek to operate a before and/or after school care program in the future that would receive significant assistance from the Division.

Reporting Requirements:

- a. By October 15, 2018, prior to distribution of notice of the procedure or guidance as outlined in Action Item A(1) and (2) above, the Division will provide to OCR for review and approval, a draft of the procedure or guidance.
- b. Within 20 days after OCR's review and approval of the draft procedure or guidance, the Division will issue the notice of the procedure or guidance to current and potential before- and after-school program agencies and relevant Division personnel.
- c. Within 10 calendar days after the Division provides notice in accordance with the above, the Division will provide documentation to OCR that it provided such notice.

Action Item B: AlphaBest

1. By October 15, 2018, the Division will notify XXXX or other before and/or aftercare programs operating in the Division and to which the Division provides significant

assistance that in order to maintain its relationship with the Division, AlphaBest or other before and/or aftercare program:

- a. Is obligated to respond to requests for disability accommodations in a manner that is consistent with the Division's policies regarding disability accommodations and that complies with federal regulations implementing Section 504 and Title II;
 - b. Cannot, on the basis of disability, exclude qualified individuals with disabilities from participation in, deny them the benefits of, or otherwise discriminate on the basis of disability in its services, programs, or activities;
 - c. Must provide its services and activities in a manner affording individuals with disabilities an equal opportunity to participate; and must make reasonable modifications in its practices or procedures when the modifications are necessary to avoid discrimination on the basis of disability unless to do so would fundamentally alter the nature of the service, program, or activity;
 - d. Cannot place a surcharge on individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids and services that are required to provide the individuals with nondiscriminatory treatment;
 - e. Must notify its participants and beneficiaries, such as students and parents/guardians, through its publicity materials and its website, the process for anyone who wishes to request accommodations for a disability or to file a complaint about disability-related discrimination by the Program.
 - f. Must provide accommodations to qualified students with disabilities during before- and after-school activities.
2. By October 15, 2018, the Division will appoint a Division employee knowledgeable about Section 504 and Title II to serve as a liaison to AlphaBest (the Liaison). The Liaison will:
- a. Review all requests for accommodations AlphaBest receives from students or other qualified parties seeking to participate in program activities during the 2018-2019 school year;
 - b. Ensure that the requirements of Action Item B(1) are met. Specifically, with reference to Action Item B(1)(f), the Division will ensure that any before- and/or after-school programs operated by the Division include in their policy and forms that they will make accommodations for qualified students with disabilities who require them during before- and after-school program hours;
 - c. Ensure that AlphaBest staff are provided with training, by a person knowledgeable about Section 504 and Title II, on the requirements of those laws and their implementing regulations as they pertain to nondiscrimination and the

provision of accommodations, as well as how the Division’s policies regarding nondiscrimination and the provision of accommodations; and

- d. Review XXXX notices, made through its published rules and regulations, publicity materials, and website, to ensure that XXXX has notified its participants and beneficiaries, such as students and parents/guardians, of the process for anyone who wishes to request accommodations for a disability or file a complaint about disability-related discrimination by XXXX.
3. Should the Division find that XXXX is unwilling or unable to comply with non-discrimination laws, the Division will either: i) cease to provide “significant assistance,” as specified in 34 C.F.R. §104.4(b)(1)(v), to XXXX or ii) assist in providing the necessary accommodations to ensure XXXX does not discriminate against individuals with disabilities.

Reporting Requirements:

- a. By November 1, 2018, the Division will provide OCR with documentation related to the implementation of Action Item B(1), including a copy of the memorandum or other notification the Division disseminated to XXXX, or before and/or aftercare programs operating in the Division and to which the Division provides significant assistance, regarding the obligations identified in Action Item B(1).
- b. By November 1, 2018, the Division will submit documentation to OCR to verify that it has implemented Action Item B(2), including:
 - i. The name and title of the Division Liaison to XXXX; and
 - ii. Copies of any notices or links to websites demonstrating that XXXX has notified individuals of its obligations, and request and complaint processes, as referenced in Action Item B(2)(d).
- c. By November 1, 2018 and January 30, 2019, the Division will submit documentation to verify it has implemented Action Item B(2), including:
 - i. A copy of any requests for accommodations XXXX submitted to the Division, as referenced in Action Item B(2)(a), verification that the Division Liaison completed a review of the requests, and a copy of the Liaison’s response to XXXX to address concerns, if any, identified by the review;
 - ii. A description of the steps the Liaison has taken to ensure that XXXX has implemented Action Item B(1), including documentation demonstrating that XXXX or other before and/or aftercare program operating in the Division has arranged to provide accommodations to students with

disabilities, and has not discriminated on the basis of disability, as referenced in Action Item B(2)(b);

- d. By January 30, 2019, the Division shall submit documentation that XXXX staff has received the training referenced in Action Item B(2)(c), including the date(s), attendance sign-in sheets, the name and qualifications of the individual(s) trainers, and copies of the outlines and any handouts for the trainings provided to XXXX.

Action Item C: The Complainant/Student

1. The Division will reimburse the Complainant for any registration or other fees paid to XXXX during the 2017-2018 school year.
2. If the Complainant seeks to enroll the Student in XXXX for the 2018-2019 school year, the Division and/or XXXX will give the Student priority registration for enrollment in its program.
3. If the Student enrolls in XXXX for the 2018-2019 school year, the Division will ensure that the Student is provided the necessary accommodations for her to participate in XXXX Program.

Reporting Requirements:

- a. By October 15, 2018, the Division will document that it has provided reimbursement to the Complainant for any and all fees paid to XXXX during the 2017-2018 school year and for Summer 2018.
- b. By October 15, 2018, the Division will provide documentation regarding the Complainant's enrollment of the Student in XXXX for the 2018-2019 school year.
- c. By October 31, 2018 and June 30, 2019, the Division will provide documentation that it has provided the Student with appropriate accommodations referred to in Action Item D(3), if applicable.

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: _____
Dr. Steven L. Walts
Superintendent of Schools
Prince William County Public Schools