

RESOLUTION AGREEMENT
Loudoun County Public Schools
OCR Case No. 11-18-1450

Loudoun County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-18-1450. 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 March 21, 2019, the Division will convene a meeting of the Student's Section 504 team, including XXXX, to discuss the following areas of concern regarding the implementation of the Student's 504 plan, and if necessary, make modifications to the Student's 504 plan to clarify any terms or provisions:
 - A. How the Student's 504 plan is being implemented to limit the risk of exposure to allergens in school programs or activities in which the Student participates that take place in the school library, the gymnasium, and other locations outside of the Student's daily classroom setting;
 - B. The Division's cleaning standards referenced in the Student's 504 plan;
 - C. The logistics of the Student's daily schedule to ensure XXXX;
 - D. The Division staff members present during XXXX to implement the Student's health care plan with respect to any allergen exposure; and,
 - E. The Division's anticipated timeframe(s) for notification to the parents during the planning process of school projects, supplies, trips, and events to ensure equal access and equal opportunity to participate in programs and activities.
2. During the above-mentioned meeting, the Student's parents shall be provided with a copy of the Division's procedural safeguards in case there are any substantive disagreements over how the Student's 504 Plan is being implemented to ensure the Student is able to access a free appropriate public education (FAPE).¹

Reporting Requirement:

By May 21, 2019, the Division will submit to OCR documentation confirming the date and location of the meeting, the participants, the parents' receipt of the Section 504 Procedural Safeguards, and detailed minutes or notes of the topics addressed during the meeting.

¹ The Section 504 implementing regulation at 34 C.F.R. § 104.33(b)(1) and (2) defines a FAPE as "the provision of regular or special education and related services that (i) are designed to meet individual educational needs of persons with disabilities as adequately as the needs of persons without disabilities are met and (ii) are based upon adherence to procedures that satisfy the requirements of §§ 104.34, 104.35, and 104.36."

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: _____
Donna M. Smith
Supervisor, Special Education Procedural Support