

RESOLUTION AGREEMENT
Spotsylvania County Public Schools
OCR Complaint No. 11-19-1007

Spotsylvania County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve the allegation investigated in Office for Civil Rights (OCR) Complaint No. 11-19-1007. 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 May 1, 2019, after providing proper written notice to the Student's parent/guardian, the Division will convene a group of persons knowledgeable about the Student in compliance with 34 C.F.R. §§ 104.34, 104.35, and 104.36 (e.g. a properly comprised IEP team, and, in addition, a School Division nurse will be invited). The Complainant will be mailed a notice of the meeting at least 10 calendar days prior to the meeting and Division will attempt to contact the Complainant via telephone and/or e-mail at least 10 calendar days prior to the meeting for the purpose of inviting her to the meeting. The group will discuss and consider whether changes are required to the Student's Individualized Education Program (IEP) XXXX. The evaluative data considered by the IEP team will include any input from the School Division nurse, who will review medical documentation XXXX. If, prior to the date of the IEP meeting, the parent(s) provide consent for the School Division to communicate with the Student's private health care professional(s), then prior to the meeting, the School Division nurse will attempt to communicate with the private health care professional(s) concerning the Student's disability. If information is obtained by the School Division nurse from the Student's health care professional(s), which is related to the Student's disability, this information will be considered by the IEP team, including whether this information has any impact on the Student's attendance. The District will provide the Student's parent/guardian with a copy of the Virginia procedural safeguards, which includes the right to challenge the group's determination through an impartial 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, 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 implementation of Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations.
- b. Within 10 school days of the 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. The Division will provide a copy of this written notice to OCR.

2. The Division will send a memorandum to all Division administrators responsible for coordinating the Division's compliance with Section 504 and Title II (for example, appropriate individuals in the Office of Student Support Services) clarifying that the Division may provide individualized accommodations to a student, which will address a student's attendance problems that are the result of the student's disability, if a group of knowledgeable people (e.g., a Section 504 team or an IEP team) determines, in compliance with of Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, that it is appropriate to do so.

Reporting Requirement:

- a. By May 1, 2019, the Division will submit a draft of the memo referred to in Action Item 2 for OCR's review.
- b. By June 1, 2019, the Division will provide documentation to OCR that the memo has been provided to the individuals specified in Action Item 2.

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 and obligations 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 proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the Division written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By: _____ Date: 3/29/19_____
Name and Title