

RESOLUTION AGREEMENT
Loudoun County Public Schools
OCR Complaint No. 11-19-1026

Loudoun County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-19-1026. 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.

Action Item A: The Student

1. By May 15, 2019, after proper notice to the Student's parents, the Division will convene a meeting of a group of persons knowledgeable about the Student (i.e., the Student's IEP team) to consider the Student's educational needs, including but not limited to, the special education and/or related aids and services necessary to allow the Student to receive a free appropriate public education while participating in school-sponsored activities, such as field trips. The IEP team's discussion will include a consideration of whether the Student requires additional supervision, special transportation services, or other supports and services in order to receive a free appropriate public education while participating in school-sponsored activities, such as field trips. As appropriate and based upon the IEP team's determination(s), the IEP team will document any modifications to the aids and services that are necessary for the Student to receive FAPE in the Student's IEP. The Division will provide the Student's parents with notice of the procedural safeguards, including notice of the meeting and the right to challenge the group's determination through an impartial due process hearing.

The Division will also consider whether any other modifications to its policies, procedures, and practices are necessary for the Student to receive equal opportunity to participate in school-sponsored activities, such as field trips. The discussion will include a consideration of whether the Student requires additional supervision, special transportation services, or other supports and services in order to have an equal opportunity to participate in school-sponsored activities. The Division will also document any modifications that are determined necessary to allow the Student an equal opportunity to participate, as appropriate.

Reporting Requirement:

By June 7, 2019, 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 copy of the Student's IEP as revised/modified (if appropriate), the notice of procedural safeguards, the written invitation to the Student's parents, and a list of meeting attendees. OCR will review the documentation submitted to ensure that the District 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.

2. By May 10, 2019, the Division will offer the Student's parents the opportunity for the Student to participate in the 2018-2019 Kindergarten field trip with non-disabled peers.

Reporting Requirement:

By June 7, 2019, the Division will provide to OCR a copy of the offer made to the Student and his parents, the response of the Student's parents, and a description of any modifications proposed for the Student to participate in the field trip. The Division will also submit evidence that the Student participated in the fieldtrip and that the Student's IEP or other necessary modifications, as appropriate, were implemented during the course of the fieldtrip.

Action Item B: Training

By September 30, 2019, the Division will provide training to all XXXX (the School) administrators, as well as all general and special education staff and other instructional personnel who are responsible for students with disabilities, on the prohibitions against disability-related discrimination under Section 504 and Title II. The training must be conducted by a person or persons knowledgeable about the requirements of Section 504 and Title II. The training will include a discussion of the following:

1. Examples of what constitutes discrimination under Section 504 and Title II, including examples with respect to non-academic and extracurricular activities.
2. The Division's obligation to provide students with disabilities an equal opportunity to participate in non-academic and extracurricular activities, including school field trips. The training will reflect that the Division must determine and provide modifications that are necessary, including those related to transportation and adult support, to allow a student with a disability an equal opportunity to participate in a school-sponsored event or field trip. The Division's determination may occur through discussion by a group of knowledgeable persons (i.e. IEP team or 504 team) in advance of the event or trip.
3. The Division's obligation to provide students with disabilities a FAPE pursuant to the Section 504 implementing regulation at 34 C.F.R. § 104.33, including:
 - a. The duty of the School to implement students' IEPs and 504 plans, which may include identified aids and services for participation during School-sponsored events and field trips. Specifically, the training will explain that School personnel or service providers, not parents, must implement students' disability-related accommodations, as required by an IEP, 504 plan, BIP, and other plan, during such events and field trips. The training will also explain that a school may not require parent participation for students with disabilities to access such events or field trips, unless parent participation is also required for students without disabilities to access the event or field trip.
 - b. The Division's obligation under Section 504 to conduct an evaluation or re-evaluation of any student who, because of a disability, needs or is believed to need

special education and/or related aids and services. The training will include a discussion of how, under Section 504, determinations must be made drawing upon information from a variety of sources. The training will also discuss how, under Section 504, the Division must establish procedures to ensure that information obtained from all such sources is documented and carefully considered; ensure that the placement decision is made by a group of knowledgeable persons (including persons knowledgeable about the student, the meaning of the evaluation data, and the placement options); and ensure that each student with a disability is educated with peers without disabilities to the maximum extent appropriate to the needs of the student with a disability.

Reporting Requirements:

1. By September 1, 2019, the Division may voluntarily submit to OCR an outline of the content of the training and the name and credentials of the individual who will present the training to School staff.
2. By October 15, 2019, the School will provide written documentation to OCR demonstrating that the training was provided consistent with Action Item B above, including the following:
 - 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 agendas or 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 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: _____
Donna M. Smith
Supervisor, Special Education Procedural Support
Loudoun County Public Schools