

**RESOLUTION AGREEMENT**  
**Virginia Beach City Public Schools**  
***OCR Complaint No. 11-20-1249***

Virginia Beach City 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. 11-20-1249. 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 December 15, 2020, after providing proper written notice to the Complainant, the Division will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the Complainant, to discuss the provision of compensatory and/or remedial services to the Student for the time period the Student did not receive accommodations required by his Individualized Education Program (IEP) in his XXXXX courses between XXXXX and XXXXX. 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 the end of the 2020-2021 school year. The Division will provide the Complainant with written notice of the outcome of 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, and notice of the procedural safeguards, including 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, and a list of meeting attendees. The Division will also submit to OCR a copy of the written invitation to the Complainant and a copy of the notice of the outcome of the meeting that was provided to the Complainant. 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. By the last day of the 2020-2021 school year, the Division will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).
2. By December 15, 2020, the Division will issue a memorandum to relevant staff describing its procedures for ensuring that students with disabilities who enroll in online courses through XXXXX receive the special education and related aids and services required by their IEPs or Section 504 Plans in their online courses. The procedures will address: 1) timely dissemination of IEPs and Section 504 Plans to online course providers

and teachers upon a student’s initial enrollment in an online course, 2) notifying online course providers and teachers of revisions to IEPs and Section 504 Plans that occur while a student is enrolled in an online course, and 3) monitoring the implementation of IEPs and Section 504 Plans in online courses. The procedures will identify the Division staff who are responsible for these tasks.

Reporting Requirement: By December 15, 2020, the Division will provide OCR with a copy of the memorandum and verification that the memorandum was issued to relevant staff. If the Division would like OCR’s feedback on the memorandum in advance, it may provide OCR with a draft copy of the memorandum at least two weeks before the date of issuance.

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 terms and obligations of 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 statutes and regulations. Before initiating such proceedings, OCR will give the Division written notice of the alleged breach and 60 calendar days to cure the alleged breach.

By: \_\_\_\_\_ Date: November 13, 2020  
Tania Sotomayor  
Director of Compliance and Special Education Services