

**Resolution Agreement**  
**Norfolk Public Schools**  
**OCR Complaint No. 11-13-1106**

Norfolk Public Schools (the Division) agrees to fully implement this resolution agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-13-1106. The Division denies that it has violated any law or regulation that the OCR enforces, including federal laws prohibiting sexual and disability harassment. This Agreement does not constitute an admission by the Division. Nevertheless, consistent with its commitment to full compliance with the federal law in its programs and activities, the Division voluntarily agrees to take all steps reasonably designated to ensure that students enrolled in the Division are not subject to a hostile environment and to respond to allegations of harassment on the basis of sex and disability. To this end, the Division will promptly investigate all incidents of harassment of students on the basis of sex and disability that are known, or reasonably should be known, to the Division and will take appropriate action to respond to complaints, which may include disciplinary action against students and/or staff. The Division will take prompt and effective responsive action reasonably designed to end the hostile environment if one has been created, prevent its recurrence, and, where appropriate, take steps to remedy the effects of the hostile environment on affected student(s).

Hereinafter, the term “sexual harassment” means unwelcome conduct of a sexual nature, which can include sexual assault, sexual violence, sexual misconduct, unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature. It can include conduct such as touching of a sexual nature, making sexual comments, jokes or gestures, writing graffiti or displaying or distributing sexually explicit drawings, pictures or written material, calling students sexually charged names, spreading sexual rumors, rating students on sexual activity, or circulating, showing, or creating e-mails or websites of a sexual nature.

**ANTI HARASSMENT STATEMENT**

1. By **August 31, 2014** the Division will issue a directive to all school principals instructing them to direct the attention of all students, faculty, staff and parents including through e-mails and/or postal mailings to all parents, classroom or assembly announcements to all students, and verbal and written notification to staff to the Division’s prohibition against all forms of harassment, including sexual and disability based harassment, which is set forth on page 20 of the 2013-2014 Standards of Student Conduct Handbook English version and on page 27 of the Spanish version. Students, faculty, staff and parents will also be advised that the prohibition is published (1) on the Division’s website at [http://www.npsk12.com/pdf/Student\\_Conduct\\_2013-14.pdf](http://www.npsk12.com/pdf/Student_Conduct_2013-14.pdf); and (2) in the Norfolk School Board Policy Manual, which can be accessed through the Division’s website at <http://www.nps.k12.va.us/index.php/nps-parents>. This prohibition will also be printed in at least one publication or message sent to families of Division students by **September 15, 2014**. All the foregoing communications described above will also include the text of the prohibition and the appropriate contact information for the designated staff member to whom students and parents may report allegations of harassment and/or discrimination. By **August 31 2014**, the Division will also amend its Standards of Student Conduct Handbook (English and Spanish versions) to include the appropriate contact information for the designated staff member to whom students and parents may report allegations of harassment and/or discrimination or from whom students and parents may obtain that information.
2. The Division will prepare and display prominently in each school building a poster setting forth the prohibition against all forms for harassment. This poster will also include: (1) an exhortation to students to report any form of harassment to the building principal or

assistant principal; and (2) a statement informing students that violators will be punished pursuant to dictates of the discipline code and the law. The Division will have this statement translated into languages other than English and Spanish as necessary.

3. To further encourage reporting of any form of harassment experienced or observed, all school principals will, in the course of the communications described in paragraph 1, above, direct the attention of students, faculty, staff and parents to: (1) the Bullying, Harassment, or Intimidation Reporting Form included on pages 35-36 of the 2013-2014 Standards of Student Conduct Handbook English version and on pages 45-47 of the Spanish version; (2) the Division's Anti-Bullying and Safe Schools Hotline (757-628-1171) and web address ([safeschools@npsK12.com](mailto:safeschools@npsK12.com)) set forth on pages 37-39 of the 2013-2014 Standards of Student Conduct Handbook English version and on pages 48-51 of the Spanish version; and, (3) all of the Anti-Bullying posters displayed throughout the Division's schools that set forth the Anti-Bullying and Safe Schools Hotline phone number and web address.

**REPORTING REQUIREMENT:** By **August 15, 2014** the Division will provide OCR with its anti-harassment statement, poster, and directive to principals for OCR's review and approval. Within **14** calendar days of OCR's approval of these materials, the Division will provide OCR with documentation that the statement and poster were posted and published, and the principals were directed, as described above.

**REPORTING REQUIREMENT:** By **September 15, 2014**, the Division will provide OCR with documentation that its principals have satisfied the directive to principals.

#### WRITTEN PROCEDURES

1. The Division will revise its current procedures to provide for the prompt and equitable resolution of complaints alleging any action prohibited by Title IX, including sexual harassment, and the revisions will include, at a minimum:
  - a. definition of sexual harassment, including specific examples of prohibited conduct;
  - b. a requirement that Division personnel investigate, address, and respond appropriately to possible harassment in accordance with the requirements of Title IX its implementing regulations, and OCR guidance, whether reported (verbally or in writing) by the harassed student, a witness, a parent, or any other individual; observed by a Division employee; or brought to the Division's attention by any other means;
  - c. the contact information for the Title IX Coordinator;
  - d. an assurance that the Division will keep the complaint and investigation confidential to the extent possible;
  - e. a protocol for when an incident or series of incidents of harassment of a particular student or group of students rises to a level of severity or persistence requiring Division personnel to notify the parent/guardian of the harassed student, ensuring that the individual notifying the parent/guardian of the harassment is sensitive to any personal concerns of the student in discussing the basis of the harassment;
  - f. provision for the adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence, and the requirement that the investigation (including witness statements, interviews, documentary evidence, and analysis of the evidence in support of the conclusion) will be documented and maintained in a central database or location with other related complaints;

- g. designated and reasonably prompt timeframes for the major stages of the complaint process, including not delaying the Division's investigations until related criminal processes are concluded;
- h. written notice to the parties of the outcome of the complaint; and
- i. a statement that Title IX prohibits retaliation against individuals who file complaints under these laws or participate in a complaint investigation.

**Reporting Requirement:** By **AUGUST 31, 2014**, the Division will submit for OCR's review and approval the draft revised Title IX grievance procedures.

**Reporting Requirement:** Within **14** days after OCR's approval of the Division's revised procedures, the Division will publish the revised procedures on its website and will provide all Division parents/guardians/students with a letter or e-mail notifying them of the grievance procedures and providing them with a link to the grievance procedures on its website; the Division will submit to OCR a link to its website evidencing publication of the revised procedures and documentation that notice of the procedures was provided to Division parents/guardians/students. The Division will also revise its 2014-2015 student handbooks to reflect this change and to include a copy of the revised grievance procedures. By **January 1, 2015**, the Division will submit to OCR a copy of the revised handbook.

2. The Division will revise its current procedures to provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 and Title II, including disability harassment, and the revisions will include, at a minimum:
  - a. notice that the Section 504 procedures apply to complaints of disability discrimination, including harassment;
  - b. definition of disability harassment;
  - c. a requirement that Division personnel investigate, address, and respond appropriately to possible harassment in accordance with the requirements of Title II and Section 504, their implementing regulations, and OCR guidance, whether reported (verbally or in writing) by the harassed student, a witness, a parent, or any other individual; observed by a Division employee; or brought to the Division's attention by any other means;
  - d. the contact information for the Section 504 Coordinator;
  - e. an assurance that the Division will keep the complaint and investigation confidential to the extent possible;
  - f. a protocol for when an incident or series of incidents of harassment of a particular student or group of students rises to a level of severity or persistence requiring Division personnel to notify the parent/guardian of the harassed student, ensuring that the individual notifying the parent/guardian of the harassment is sensitive to any personal concerns of the student in discussing the basis of the harassment;
  - g. provision for the adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence, and the requirement that the investigation (including witness statements, interviews, documentary evidence, and analysis of the evidence in support of the conclusion) will be documented and maintained in a central database or location with other related complaints;
  - h. designated and reasonably prompt timeframes for the major stages of the complaint process, including not delaying the Division's investigations until related criminal processes are concluded;
  - i. written notice to the parties of the outcome of the complaint; and

- j. a statement that Section 504 and Title II prohibit retaliation against individuals who file complaints under these laws or participate in a complaint investigation.

**Reporting Requirement:** By **August 31, 2014** the Division will submit for OCR's review and approval the draft revised Section 504 grievance procedures.

**Reporting Requirement:** Within **14** days after OCR's approval of the Division's revised procedures, the Division will publish the revised procedures on its website and will provide all Division parents/guardians/students with a letter or e-mail notifying them of the grievance procedures and providing them with a link to the grievance procedures on its website; Division will submit to OCR a link to its website evidencing publication of the revised procedures and documentation that notice of the procedures was provided to Division parents/guardians/students. The Division will also revise its 2014-2015 student handbooks to reflect this change and to include a copy of the revised grievance procedures. By **January 1, 2015**, the Division will submit to OCR a copy of the revised handbook

3. In consultation with the Mid-Atlantic Equity Center (MAEC), the Division will develop a written procedure for its staff on how to investigate and respond to complaints of sexual harassment. The procedure will include:
  - a. The definition of sexual harassment, clarification that sexual harassment includes rape and other sexual assaults, and examples of prohibited conduct;
  - b. A statement that the Division's obligation to respond to complaints of sexual harassment, including allegations of sexual assaults and rape regardless of whether the alleged harassment is being investigated by another agency, unless the fact-finding process would impede a law enforcement investigation; in such cases the District will implement appropriate interim steps to provide for the safety of the victim and the school community; when and how to coordinate its investigations with law enforcement, and the Division's responsibility to conduct a Title IX investigation that is distinct from a law enforcement investigation;
  - c. A process for investigating and documenting sexual harassment allegations, including how to conduct interviews with the alleged harasser, victim, and other witnesses; the responsibility to keep the parties informed about the status of the investigation; the implementation of any interim measures; the standard for determining whether harassment occurred; and notifying the parties of the outcome;
  - d. The steps necessary to ensure that the Division environment is free from harassment, including disciplinary measures for the harasser; remedies for the victim (such as counseling; tutoring services; separating the students, etc.); and environmental measures for the student body; and
  - e. The Division personnel (by name and title) responsible for responding to and investigating complaints of harassment.

**REPORTING REQUIREMENT:** By **September 30, 2014**, the Division will provide OCR with its proposed procedure for OCR's review and approval.

**REPORTING REQUIREMENT:** Within **14** days of OCR's approval of the procedure, the Division will provide documentation to OCR that it distributed this procedure to the Title IX

Coordinator, all administrators, and any individuals responsible for investigating and/or responding to sexual harassment complaints.

4. The Division will develop a written procedure for its staff on how to investigate and respond to complaints of disability harassment. The procedure will include:
  - a. The definition of disability harassment;
  - b. A statement that the Division's obligation to respond to complaints of disability-based harassment;
  - c. A process for investigating and documenting disability-based harassment allegations, including how to conduct interviews with the alleged harasser, victim, and other witnesses; the responsibility to keep the parties informed about the status of the investigation; the implementation of any interim measures; the standard for determining whether harassment occurred; and notifying the parties of the outcome;
  - d. The steps necessary to ensure that the Division environment is free from harassment, including disciplinary measures for the harasser; remedies for the victim (such as counseling; tutoring services; separating the students, etc.); and environmental measures for the student body; and
  - e. The Division personnel (by name and title) responsible for responding to and investigating complaints of harassment.

**REPORTING REQUIREMENT:** By **September 30, 2014**, the Division will provide OCR with its proposed procedure for OCR's review and approval.

**REPORTING REQUIREMENT:** Within **14** days of OCR's approval of the procedure, the Division will provide documentation to OCR that it distributed this procedure to the Section 504 Coordinator, all administrators, and any individuals responsible for investigating and/or responding to disability-based harassment complaints.

5. The Division will ensure that its description of the Title IX and Section 504 Coordinators' responsibilities and corresponding training requirements include,
  - a. Ensuring coordination for such purposes as tracking trends on any patterns or systemic problems and soliciting feedback on the efficacy of the overall response to sexual misconduct;
  - b. Providing information to individuals regarding their Title IX/Section 504 rights, the Division's grievance processes, the availability of interim measures during an investigation of a grievance, and the ability to file a complaint with law enforcement, if applicable;
  - c. Conducting a semiannual review of all formal and informal Title IX/Section 504 complaints, misconduct, any other grievance procedures, and/or independently investigated by the Division in order to identify and address any patterns or systemic problems;
  - d. Communicating with law enforcement regarding the Division's obligations under Title IX/Section 504 and serving as a resource on these issues;
  - e. Periodically assessing the efficacy of the Division's overall Title IX/Section 504 compliance efforts;
  - f. Ensuring that the Coordinators and their deputies will not have other responsibilities that create a conflict of interest; and
  - g. Regularly developing and participating in activities designed to raise awareness in the Division's community about sex discrimination (including sexual harassment) and disability-based discrimination (including disability harassment).

If the Division decides to designate these responsibilities to other employee(s), it will make clear the scope of each deputy individual's duties and will ensure that the Title IX and Section 504 Coordinators have ultimate oversight responsibility over such individuals, including actual knowledge of the roles of any deputies.

**REPORTING REQUIREMENT:** By **August 31, 2014**, the Division will provide OCR with documentation that it has implemented this item, including the name and title of the Title IX and Section 504 Coordinators or designee(s) and a copy of the job descriptions and training requirements for the positions.

**REPORTING REQUIREMENT:** Within **14** days of OCR's approval of the Title IX and Section 504 Coordinators' descriptions, the Division will provide OCR with documentation that the Title IX and Section 504 Coordinators have met these requirements.

6. The Division will develop a centralized recordkeeping process for documenting and tracking complaints of disability and sexual harassment. The process will require Division personnel to maintain information that includes the name of the individual who reported the allegation, the identification of the alleged victim and alleged perpetrator, notes from witness interviews, documentation of investigative steps completed, and the determination, including disciplinary actions, if any of all parties involved. The Division records related to sexual harassment complaints will be maintained by the Title IX Coordinator; and the Section 504 Coordinator will maintain records related to disability harassment complaints.

**REPORTING REQUIREMENT:** By **September 30, 2014** the Division will provide OCR with its proposed recordkeeping process for OCR's review and approval.

**REPORTING REQUIREMENT:** Within **30** days of OCR's approval of the recordkeeping process, the Division will finalize the recordkeeping process and provide training to the Title IX and Section 504 Coordinators, all school administrators, and any individuals responsible for investigating and/or responding to disability and sexual harassment complaints.

7. The Division will revise its Guide to Section 504 and all other written policies, procedures, and practices relating to the Division's responsibilities under Section 504 to explain all the factors that must be considered in determining whether to evaluate a student for special education or related aids and services and in conducting those evaluations. The revisions will make clear that a student will have a disability under Section 504 if the student is substantially limited as to one or more major life activities, and that this does not require a significant limitation. They will clarify that more than the student's grades must be considered in determining whether a student is being substantially limited in the major life activity of learning and that a student might need special education or related services even if the student is passing from grade to grade. The revisions will also clarify that a student with a medical and/or health condition that substantially limits one or more major life activities may need services under Section 504 regardless of their level of academic and social functioning.

**Reporting Requirement:** By **August 31, 2014** the Division will submit for OCR's review and approval a draft revised Guide to Section 504 and all other revised policies, procedures, and practices relating to the Division's responsibility under Section 504.

**Reporting Requirement:** Within **14** days after OCR's approval of the Division's revised procedures, the Division will publish the revised procedures on its website and will submit to OCR a link to its website evidencing publication of the revised procedures.

## TRAINING

1. By **September 30, 2014**, the Division will schedule a mutually convenient time for a qualified individual or individuals, with subject matter expertise, who may be Division personnel, OCR personnel, or others, to provide Title IX and Section 504 training (including training on sexual and disability harassment) to its Title IX and Section 504 Coordinators and all other Division personnel involved in processing, investigating, and/or resolving complaints of sexual and disability harassment, or who will otherwise coordinate the Division's compliance with Title IX and Section 504. The training will include guidance on how to conduct and document sexual and disability harassment investigations and the appropriate standards to apply in reaching determinations and formulating corrective actions, particularly with regard to complaints of sexual assault, including rape.

**REPORTING REQUIREMENT:** Within 30 days before the training (unless OCR personnel conduct the training), the Division will provide OCR with the training materials, including an outline of the training content and the name, title, and qualifications of the trainer(s), for OCR's review and approval. Within **5** days after the training, the Division will provide OCR with the name and title of all attendees.

2. By **June 30, 2015**, and by September 1<sup>st</sup> of every school year thereafter, the Division will develop, with the assistance of MAEC, and provide Title IX and Section 504 training to all Division staff.<sup>1</sup> The training will be provided separately to staff who work with particular grade levels--elementary school, middle school, and high school--and will specifically target staff responsibilities by employment designation (e.g., school administrators, school counselors, and teachers). At a minimum, the training will include:
  - a. In-depth guidance to increase awareness of what constitutes sexual and disability harassment, among students or involving a student victim and the negative impact that it has on the educational environment;
  - b. A focused review of the Division's responsibility under its own policies and Title IX and Section 504 to address allegations of harassment, including specific guidance on the Division's revised grievance procedures, the Division's responsibility for responding to sexual and disability harassment whether or not a grievance is filed, how to report possible harassment, how to respond to sexual and disability harassment when there are allegations of physical sexual assault, including rape, and when and how to coordinate investigations with law enforcement, and the Division's responsibility to conduct a Title IX investigation that is distinct from a law enforcement investigation; and
  - c. Notice that failure to respond appropriately to notice of sexual and disability harassment violates the Division's policy and federal law.

<sup>1</sup> OCR and the Division acknowledge that MAEC does not provide assistance with Section 504.

**REPORTING REQUIREMENT:** Within **30** days of OCR's training, the Division will schedule the above trainings. Within **30** days of scheduling each training, the Division will provide OCR with the name and qualifications of the trainer, and an outline of the training content for OCR approval. Within **30** days following each training, the Division will provide copies of sign-in sheets from each training session.

3. By **September 30, 2014** with the assistance of OCR and/or another entity with subject matter expertise (e.g., one of the State's Training and Technical Assistance Centers) the Division or OCR will also develop, and provide Section 504 training to all Division staff responsible for identifying and evaluating students with disabilities. At a minimum, the training will include:
  - a. Definition of what constitutes a disability under Section 504 and Title II;
  - b. Clarification of the Division's obligation to identify and evaluate all students who need or are believed to need special education or related aids and services (and reflecting the revisions to the Division's policies and procedures required above);
  - c. A focused review of the Division's revised Guide to Section 504 and all other revised Section 504 policies, procedures, and practices; and
  - d. Notice that students with disabilities, as defined under Section 504 and Title II, who are served under healthcare plans, are subject to the procedural requirements under Section 504.

**REPORTING REQUIREMENT:** By **September 1, 2014** the Division will schedule the above training. Unless the Division selects OCR personnel to provide the training, within **15** days before the training, the Division will provide OCR with the name and qualifications of the trainer, and an outline of the training content for OCR approval. Within **5** days following the training, the Division will provide copies of sign-in sheets.

4. The Division, in consultation with the MAEC, and consistent with applicable law, will provide age-appropriate student education, including written materials such as pamphlets, recurring throughout the year, designed to increase awareness of sexual and disability harassment, inform students of the consequences of sexual and disability harassment, explain to students what they should do if they believe they or another student is being harassed based on sex/disability, and encourage students to report sexual and disability harassment. The instruction will promote sensitivity to and tolerance of the diversity of the student body, and will specifically address harassment issues related to sex and disability.

**REPORTING REQUIREMENT:** By **November 1, 2014**, for each age-level, the Division will provide OCR with an outline of the proposed instruction or the name and description of the curriculum, for review and approval. At the same time, the Division will provide OCR the dates during the 2014-2015 school year when the multi-session curriculum will be presented.

**REPORTING REQUIREMENT:** Within **30** days of OCR's approval of the Division's instruction or curriculum, the Division will implement the first student education session. The Division will provide student education during each successive year. By **June 30 of the 2014-15, 2015-16, and 2016-17 school years**, the Division will provide confirmation to OCR that the training occurred.



SCHOOL CLIMATE

1. In consultation with the MAEC, and consistent with applicable law, the Division will develop and administer a school climate survey or other method of assessing school climate to be used on an annual basis for students and staff to assess the effectiveness of steps taken pursuant to this Agreement or otherwise by the Division to ensure that it is free of sexual and disability harassment.

**REPORTING REQUIREMENT:** By **January 15, 2015** the Division will provide OCR a draft of the climate survey and/or other assessment methodology for review and approval.

2. Based on the results of the climate assessment and in consultation with the MAEC, the Division will take steps to ensure that it is free of sexual and disability harassment.

**REPORTING REQUIREMENT:** By **June 30, 2015**, and annually thereafter, the Division will administer the approved climate survey and/or other assessment methodology and provide OCR with a summary of the results until such time as OCR closes the monitoring of this case.

**REPORTING REQUIREMENT:** By **August 31, 2015** the Division will provide OCR with a list of steps it will take in response to the results of the climate assessment.

3. The Division will develop a task force that will include parents and community members to make recommendations to improving school climate and identifying additional measures specifically addressing harassment. At a minimum:
  - a. The Division will designate an employee to coordinate the task force's meetings and work;
  - b. The task force will be asked to provide Division officials with input regarding strategies for preventing harassment, and ensuring that Division students understand their right to be protected from discrimination, including harassment, on the basis of sex and disability and to be protected from retaliation for reporting alleged discrimination;
  - c. The task force also will be asked to provide continuing input to Division officials regarding strategies to ensure parents and students understand how to report possible harassment and are aware of the Division's obligation to promptly and effectively respond to complaints alleging sexual and disability harassment;
  - d. The task force will consider how, and if, outreach efforts to families can be made to obtain support for the Division's anti-harassment program;
  - e. The designated employee will prepare a written summary of the recommendations and suggestions of the task force;
  - f. The Division will take into consideration and make reasonable steps to implement the recommendations and suggestions made by its task force; and
  - g. The Division will involve the task force to the greatest extent possible in implementing the recommendations and suggestions.

**REPORTING REQUIREMENT:** By **January 31, 2015**, and biannually thereafter, the Division will provide OCR with copies of notices and other information available to families and the community about the task force and its meetings and activities, a list of the persons who have joined the task force, including the name of the person who has been designated to coordinate the task force and the names of the representatives from the committee, and a report summarizing the task force's recommendations and the Division's responses to the recommendations and suggestions (including whether and how they were implemented). OCR will provide the Division with feedback on the task force's recommendations, and the Division will incorporate OCR's feedback and will provide OCR documentation every 90 days of its steps to implement the task force's recommendations.

4. The Division will develop a student advisory committee to assess its efforts to eliminate any hostile environment and its effects, and prevent harassment from recurring. At least two students will also serve on the Division's task force, as described in Provision 3. The Committee will have the same privileges as other Division extracurricular activities, including access to meeting space and public notice about the committee. The Committee will:
  - a. Recommend strategies for preventing harassment, and for ensuring that the students understand their right to be protected from discrimination, including harassment;
  - b. Provide continuing input to Division officials regarding strategies to ensure students understand how to report possible harassment and are aware of the Division's obligation to promptly and effectively respond to sexual and gender-based harassment complaints and how, and if, outreach efforts to families can be made to obtain support for the Division's anti-harassment program; and
  - c. The Division will involve the task force to the greatest extent possible in implementing the recommendations and suggestions.

**REPORTING REQUIREMENT:** By **February 28, 2015** and biannually thereafter, the Division will provide OCR with copies of notices and other information available to students and their families about the Committee and their meetings and activities, a list of the persons who have joined the Committee, including the names of the students who also serve on the task force, and a report summarizing their recommendations and the Division's responses to the recommendations and suggestions (including whether and how they were implemented). OCR will provide the Division with feedback on the recommendations, and the Division will incorporate OCR's feedback and will provide OCR documentation every **90** days of its steps to implement the recommendations.

#### SEXUAL HARASSMENT COMPLAINTS

1. By **February 28, 2015** and within **60** days of the end of each school semester, the School will provide OCR information regarding each incident of alleged sexual and disability harassment, which occurred in the immediately preceding semester in the Division. Information provided will include, any complaint, incident report, correspondence (including e-mail) or other written description of the allegations, and a copy of any documentation of the Division's response, including interview notes, interim measures, investigative reports, written findings, and records of any corrective action taken, including any disciplinary action.

**REPORTING REQUIREMENT:** Within **60** days of the end of each semester until the monitoring of this Agreement ends, the Division will provide OCR with the information described above.

### STUDENTS WITH HEALTH IMPAIRMENTS

1. XXXX, the Division will ensure that the Student receives a free appropriate public education in her school placement. Per the Complainant's request, the Division will also ensure that the Student will not attend XXXX and will also not attend any other school where the individual who allegedly harassed the Student is enrolled. Within **10 days** of the Student's re-enrollment to the Division, the Division will also convene a meeting in accordance with 34 C.F.R. Parts 104.35 and 104.36 to consider whether, due to the Student's diagnosis of anxiety, her IEP should be revised to include such services as daily administration of anti-anxiety medication; daily prompts for the Student to take her medication; how to ensure that she takes her medication at the correct time; how to respond to situations where the Student refuses to take medication; and how to address anxiety attacks. The Division will consider information from a group of knowledgeable persons, including at least one individual knowledgeable of the Student's health impairment, and will provide the Complainant with notice of her due process rights.

**REPORTING REQUIREMENT:** Within **10 days** of the Student's re-enrollment to the Division, the Division will provide OCR with copies of the high school offer, meeting notes, and any revised IEP or other individualized plans for OCR's review and approval, as well as documentation that it provided the Complainant with a copy its Section 504 procedural safeguards.

2. The Division will identify other students in the Division who need or are believed to need special education or related services based on health conditions and who were enrolled at the Division in the 2011-2012, 2012-2013, and 2013-2014 school years and remain enrolled in the Division as of the date of this Agreement to evaluate the students for consideration as qualified individuals with disabilities under Section 504, consistent with 34 C.F.R. Part 104.35. To the extent that an evaluation is warranted, it will be conducted consistent with the evaluation, placement and procedural safeguard requirements of 34 C.F.R. Parts 104.35 and 104.36. To the extent that the evaluation leads to a finding that a student is a qualified individual with a disability and entitled to special education or related services for that disability, the Division will develop individualized plans to provide the students with special education or related services, offer and if the offer is accepted, provide compensatory educational services or other appropriate relief.

**Reporting Requirement:** By **April 25, 2014** the Division will provide OCR with its screening criteria for how it plans to review students to determine if the students should be evaluated for a disability.

**Reporting Requirement:** Within **45** days of OCR's approval of the screening criteria, the Division will provide OCR with verification of its review of the circumstances involving each currently enrolled student and whether evaluation is determined warranted and will provide OCR with a proposed plan on how it will evaluate the identified students within a reasonable timeframe for OCR's review and approval.

**Reporting Requirement:** Per the timeframes in the approved evaluation plan, the Division will provide OCR documentation evidencing that all evaluations called for as a result of the screening process have been conducted. Also per the timeframes in the approved evaluation plan, for any such student found to be an individual with a disability and entitled to special education or related services for that disability, the Division will document its findings as to whether the provision of compensatory education or other appropriate relief is warranted and, if so, will provide verification of the actions taken for OCR's review and approval.

The Division understands that OCR will not close the monitoring of this Agreement until OCR determines that the School has fulfilled the terms of this Agreement and is in compliance with the regulation implementing the provisions of Title IX at 34 C.F.R. Part 106; Section 504, at 34 C.F.R. Part 104; and Title II, at 28 C.F.R. Part 35, which were at issue in this case. 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 this 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 and is in compliance with the regulation implementing the provisions of Title IX at 34 C.F.R. Part 106; Section 504, at 34 C.F.R. Part 104; and Title II, at 28 C.F.R. Part 35, which were at issue in 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 shall give the School written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

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Superintendent or Designee  
Norfolk Public Schools

April 11, 2014

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