

RESOLUTION AGREEMENT
Loudoun County Public Schools
OCR Case No. 11-16-1005

Loudoun County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-1005. 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. Further, OCR has made no final determination that the Division has violated Section 504, Title II, or any other law enforced by OCR, and full implementation of this Agreement by the Division resolves the allegations in OCR Complaint No. 11-16-1005.

1. By April 15, 2016, after providing proper written notice to the Students' parent/guardian, for each Student (1-5) the Division will schedule a meeting during which a group of persons knowledgeable about that Student, making all reasonable efforts to include the parent/guardian, with the purpose of developing a plan for providing individualized compensatory and/or remedial services in the event that the group determines the Student (1-5) did not receive appropriate general and/or special education or related service. The groups will take into consideration the location and type of services required by the each Student's IEP effective between August 31, 2015 and the date of the signing of this agreement.¹ If deemed appropriate, each group will develop a plan for providing timely compensatory and/or remedial services for that Student, with completion dates not to extend beyond December 31, 2016. The Division will provide the Students' parent/guardian with notice of the procedural safeguards, including the right to challenge each determination through an impartial due process hearing.

Reporting Requirements:

- a. By April 15, 2016, the Division will submit to OCR information regarding when the compensatory services meetings are scheduled to take place for each Student (1-5).
- b. Within one week of the meeting, the Division will submit to OCR copies of each of the meeting minutes or similar documentation from each of the meetings, including an explanation for decisions made and supporting documentation, a description of and schedule for providing compensatory and/or remedial services (if any) to each of the Students, the notice of procedural safeguards, the written invitation to the Students' 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 implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations.
- c. Within seven days of OCR's procedural feedback regarding the Division's determination of any compensatory educational services and/or other appropriate

¹ For Students 1 and 2, the Division will utilize the IEPs proposed for each Student on August 27, 2015, among other things, for the purposes of considering whether either Student is eligible to receive compensatory and/or remedial services from August 31, 2015 through November 9, 2015. This Agreement does not constitute an admission by the Division that the IEPs proposed on August 27, 2015 were the IEPs legally in effect for each Student from August 31, 2015 through November 9, 2015.

- relief, the Division will contact the Complainant in writing, provide notice of the outcome of each of the meetings, outline the rationale for the determinations, including a description of each Students' educational losses (if any), and offer to provide each Student with compensatory educational services, if applicable. The Division will also provide the Complainant with a copy of its plan for providing those services. If the Complainant accepts the Division's offer, the Division will make available the services within seven days from the dates of its receipt of the Complaint's acceptance, or a later date, if agreed upon by the Complainant. The compensatory educational services shall be delivered in a manner so as not to hinder the delivery of any services required by the Students' current educational programs.
- d. By January 15, 2017, 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, any service logs or other supporting documentation (if applicable), and the name(s) of the service provider(s).
2. By April 30, 2016, the Division will ensure that the School has developed and begun implementing a method to track, in writing, whether students are receiving the services as provided by individual IEPs.

Reporting Requirements:

- a. By April 15, 2016, the Division will provide OCR, for review and approval, a written description of the method the School will use to track whether students are receiving the services, as required by individual IEPs.
3. By September 1, 2016, the Division will provide mandatory training to all instructional personnel and administrators at the School on the requirements of Section 504 and Title II. The training will emphasize the District's obligations under Section 504 to implement Section 504 Plans and IEPs as written. The training will include information on, but will not be limited to:
 - The specific roles of special education teachers, regular education teachers, and paraprofessionals in providing services required by IEPs;
 - The importance of and techniques to foster collaboration between regular education teachers, special education teachers, and paraprofessionals in providing services required by IEPs; and
 - Implementing the method to track whether students are receiving the services as provided by individual IEPs, as developed per Action Item #2 of this Agreement.

Reporting Requirements:

- a. At least two weeks before the proposed training, the District will provide OCR with the title and qualifications of the trainer, copies of the agenda, and any training materials for OCR's review and approval to ensure that the proposed training satisfies the requirements of Action Item #3. OCR will provide the Division with feedback on the training no later than one week before the date on which the training is scheduled.
- b. Within seven days after the training, the District will provide OCR with documentation confirming completion of the required training, including: (a) the date of each training session(s); and (b) a sign-in sheet listing the names and titles of the

School instructional personnel and administrators who participated in each training session.

4. By April 30, 2016, the Division will ensure that the School has developed a written plan outlining how it will provide services to students with Section 504 Plans or IEPs when one of the service providers is absent or otherwise unable to provide the services.

Reporting Requirements:

- a. By April 15, 2016, the Division will provide OCR, for review and approval, a copy of the plan to provide services to students with Section 504 Plans or IEPs when one of the service providers is absent or otherwise unable to provide the services.

The Division understands that, consistent with Case Processing Manual Section 504, OCR will close the monitoring of this Agreement when OCR determines that the Division has fulfilled its terms and is in compliance with the regulations implementing 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. Further, the Division understands that during the monitoring of this Agreement, OCR may visit the Division, with reasonable notice, 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 Section 504 at 34 C.F.R. Part 104, and Title II at 28 C.F.R. Part 35, which was 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 Division written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

By: _____ /S/ _____ -Date:

_____ 3/30/16 _____

Director of Special Education,
Loudoun County Public Schools