

RESOLUTION AGREEMENT
Peabody Public Schools
OCR Complaint No. 01-19-1223

Pursuant to Section 302 of OCR's *Case Processing Manual*, prior to the completion of OCR's investigation the Peabody Public Schools (District) has entered into this agreement to resolve the allegation in the above-referenced complaint. The District assures that it will take the following actions and will meet its obligations to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II).

Action Item 1

By December 7, 2019, after providing proper written notice to the Student's parent/guardian, the District will convene a Section 504/Individualized Education Program (IEP) team meeting. The District will:

- a. Invite the Student's parent/guardian to share their understanding of or concerns with the provisions in the Student's Section 504 plan/IEP addressing how the District will respond when the Student's XXXX XXXX XXXX XXXX.
- b. If needed, revise and/or more clearly define the provisions concerning how the District will respond when the Student's XXXX XXXX XXXX XXXX in the Student's Section 504 plan/IEP as appropriate to meet the Student's needs under Section 504;
- c. Determine whether any additional measures or services are appropriate at this time to provide the Student a free appropriate public education under Section 504;
- d. Provide the Student's parent/guardian with a meaningful opportunity to offer input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36;
- e. Ensure that all placement decisions are made in conformity with, *inter alia*, 35 C.F.R. § 104.35(c), including that they are made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
- f. Maintain detailed meeting notes/summary.

Reporting Requirement

1. By December 21, 2019, the District will submit to OCR a copy of the following materials:
 - i. a list of attendees that includes the names and titles of those at the meeting;
 - ii. detailed meeting notes/summary; and
 - iii. any other supporting team meeting materials that address the Action Items above.

The District 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.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms and obligations of this Agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case.

The District 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 shall give the Recipient written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the District's representative below.

By: /s/ Cara E. Murtagh
Superintendent

Date: 11/22/2019