

Resolution Agreement

OCR Case No. 03141181

Putnam County Schools

To resolve the allegations in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), the Putnam County Schools (the District) voluntarily enters into this Resolution Agreement (Agreement). This Agreement does not constitute an admission of liability on the part of the District, nor does it constitute a determination by OCR that the District violated any of the regulations enforced by OCR.

The District voluntarily makes the following commitments to OCR:

1. The District recognizes its obligations under Section 504 and its implementing regulation, at 34 C.F.R. § 104.33, to provide a free appropriate public education (FAPE) to each qualified individual with a disability within its jurisdiction and to promptly evaluate and place students with disabilities in accordance with 34 C.F.R. § 104.35. By December 19, 2014, the District will distribute a memorandum to all of its staff members and administrators at XXXXXX reminding them of these obligations.

Reporting Requirement: By January 7, 2015, 2014, the District will provide a copy of the memorandum required by Action Step #1 and a list of individuals, by name and title, who received it.

2. By December 19, 2014, in accordance with the requirements of 34 C.F.R. §104.35 (evaluation and placement), the District will convene the Individualized Education Plan team (IEP) for the Student to evaluate and determine whether the Student requires a XXXXXX to meet XXXXXX educational needs. The District will ensure that persons knowledgeable about the Student and XXXXXX disability are invited to attend the meeting, including the Complainant. If the IEP team determines that XXXXXX for the Student to access the educational program, the District will ensure that the decision and the basis for the decision are communicated to the Complainant. In addition, the District will ensure that the Complainant is provided with notice of applicable procedural safeguards, in accordance with 34 C.F.R. §104.36.

Reporting Requirement: By January 7, 2015, the District will provide OCR with the results of the steps taken pursuant to Action Step #2 including: minutes from the IEP team meeting; copies of any information and documents considered by the IEP team; and a copy of the written notice of the IEP team's decision provided to the Complainant; including the procedural safeguards notice.

The District agrees to comply with the terms of this Agreement until OCR has released it from monitoring. The District understands that OCR will not close the monitoring until it determines that the District has fulfilled the terms of this Agreement and is in compliance with the provisions of Section 504, at 34 C.F.R. 104.33 and 104.35, and Title II, at 28 C.F.R. 35.130, which were at issue in this complaint.

The District agrees that by signing this Agreement, it agrees to provide data and other information to OCR in a timely manner. The District also understands that during the monitoring of this Agreement, 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 of this Agreement and compliance with the provisions of Section 504, at 34 C.F.R. 104.33 and 104.35, and Title II, at 28 C.F.R. 35.130, which were at issue in this complaint.

The District 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 and 100.10) or judicial proceeding to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/ _____
Superintendent (or designee)

12/3/14 _____
Date