

**Ohio County Public Schools
Resolution Agreement
Complaint #03151223**

The Ohio County Public Schools (the District) submits this Resolution Agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint and ensure compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35. In furtherance of this obligation, and while expressly denying any and all liability with respect to the allegations in the complaint, the District agrees to take the following actions:

Action Items

1. By October 12, 2015, after providing proper written notice to the Student's parent/guardian, a group of knowledgeable persons, including the parent/guardian, will convene to determine whether the Student incurred an educational loss as a result of delays in evaluating and considering the Student's disability-related need for regular and/or special education or related services, as well as failing to consider evaluation data and information from persons knowledgeable about the Student. In making its assessment, the team will adhere to the requirements prescribed by Section 504 and its implementing regulation, at 34 C.F.R. Section 104.35 (evaluation and placement) and 34 C.F.R. Section 104.36 (procedural safeguards). If the 504 Team determines the Student to be eligible for compensatory services, within one week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond October 30, 2015. The District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.
2. xxx – paragraph redacted – xxx
3. By October 12, 2015, the District will disseminate a memorandum to all administrators and staff responsible for the for coordinating evaluations and education services for students with disabilities, reminding them of their obligation to comply with the procedural requirements of Section 504 in promptly convening and considering requests for evaluations and services, and explaining that failure to do so, is a violation of Section 504.

Reporting Requirements:

1. xxx – paragraph redacted – xxx
2. By October 30, 2015, the District will submit documents to OCR demonstrating its fulfillment of Action Step #3 above, including a copy of the memorandum, a list of individuals who received the memorandum, and a description of how the memorandum was distributed.
3. xxx – paragraph redacted – xxx

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District 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 is in compliance with the Section 504 implementing regulation at 34 C.F.R. § 104.35 and 104.36, and Title II, at 28 C.F.R. §§ 35.130(a) and (b)(1)(iii), which were at issue in this case.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with Section 504's implementing regulations at 34 C.F.R. § 104.35 and 34 C.F.R. §104.36 and Title II, at 28 C.F.R. §35.130(a) and (b)(1)(iii), 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 proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Resolution Agreement will become effective immediately upon the signature of the Superintendent or his/her designee below.

/s/

9.10.15

Name and Title (District Superintendent or designee)

Date