

Resolution Agreement
Pitt County Schools
OCR Complaint No. 11-13-1266

Pitt County Schools (the District) voluntarily enters into this resolution agreement (the Agreement) with the U.S. Department of Education's Office for Civil Rights (OCR) to resolve the above-referenced complaint.

Commitment

1. By March 21, 2014, and in accordance with the requirements of 34 C.F.R. §104.35, the District will re-convene a team meeting to assess in a comprehensive manner all of the Student's educational and behavioral needs to determine whether any additions or modifications to his disability-related aids and services are needed to enable the Student to participate appropriately in the educational program. When making this determination, the team must consider the available information regarding a possible diagnosis of Oppositional Defiant Disorder (ODD). To the extent that the evaluation leads to a finding that the Student has ODD, the District must consider whether the Student's May 24th behavior, which gave rise to a five (5) day suspension, was a manifestation of his disability. If it is determined that the Student should receive additional or different related aids and services, the team will consider whether the Student is entitled to compensatory educational services for the delay in evaluation from August 2013 to the date of the evaluation.

If it is determined that the Student's behavior was a manifestation of his disability, the team will determine whether the Student is in need of compensatory aids or services. The team will also make the needed corrections to the Student's disciplinary record regarding the May 24, 2013 disciplinary removal.

If applicable, the District will inform the Student's parent about which compensatory educational services the Student is entitled to receive, and if she accepts these services, the District will provide them to the Student.

The District will provide the Student's parent with a meaningful opportunity to provide 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, including their right to challenge such determinations through an impartial due process hearing should they disagree.

Reporting Requirement: By April 25, 2014, the District will provide OCR with documentation confirming its fulfillment of Action 1, including the following:

- a. Meeting minutes from the Section 504 team meeting and copies of any information/documents considered by the team in reaching its decision;
- b. Certification regarding the determination and offer of compensatory aids or services, if applicable, including an explanation for decisions made, and a description of and schedule for providing any compensatory and/or remedial services to the Student;

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- c. A copy of all evaluations conducted and evaluation materials considered;
- d. A copy of the Student's Section 504 Plan;
- e. If applicable, a copy of the Student's revised discipline record;
- f. A copy of the written notice of the outcome of the meeting provided to the Complainant, including procedural safeguards; and
- g. If applicable, a description of and schedule for providing any compensatory and/or remedial services to the Student.

OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.35 and 104.36, in making these determinations.

Reporting Requirement: If applicable, by April 25, 2014, the District will notify OCR of the Complainant's response, if any, to the District's offer of compensatory educational services; and,

Reporting Requirement: If applicable, by April 25, 2014, the District will provide OCR with documentation confirming its fulfillment of any compensatory educational services that the parent accepted.

Commitment

2. The District will notify all relevant School personnel, including all teachers, nurses, administrators, and any personnel responsible for developing students' Section 504 plans and identifying students who are eligible for special education services and related aids and services about the procedural requirements of Section 504 in identification, evaluation, and placement and the District's process for meeting these requirements. The notice will address, at a minimum, the process for identifying and evaluating students believed to need special education services, and the requirement to document and carefully consider information obtained in making placement decisions. The District will provide this notice to staff in writing.

Reporting Requirement: By March 7, 2014, the District will submit for OCR's review and approval the draft notice.

Reporting Requirement: Within thirty business days of OCR's review and approval of the draft notice, the District will provide OCR documentation that all relevant personnel, as defined above, have been provided with the notice.

The District understands that OCR will not close monitoring of this agreement until OCR determines that it has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II that were at issue in this complaint.

The District also 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. If necessary, OCR may visit the District, interview relevant staff in

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accordance with Section 602(d) of the OCR Case Processing Manual, and request such additional reports or data as are necessary for OCR to determine that the District has fulfilled the terms of this agreement 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 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, 100.10), or judicial proceedings 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

_____/2/26/2014_____
Date