

**302 Resolution Agreement
Pickens County School District
OCR Docket Number 04-13-1376**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of the Pickens County School District (District), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability by recipients of Federal financial assistance, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. Prior to the completion of OCR's investigation, the District agreed to resolve the issue of this investigation pursuant to Section 302 of OCR's Case Processing Manual (CPM). Accordingly, to ensure compliance with Section 504 and Title II, and their implementing regulations, and to resolve the issue of this investigation, the District voluntarily agrees to take the following action.

Procedural Remedy - Revision of the Section 504 Procedures

1. **By February 28, 2014**, the District will amend its Section 504 Procedures to ensure that parents/guardians are provided a copy of procedural safeguards during the eligibility meeting regardless of the eligibility determination.

REPORTING REQUIREMENT: By March 31, 2014, the District will submit to OCR a copy of its amended Section 504 Procedures pursuant to Item #1, above. Additionally, the District will take steps to ensure that the amended Section 504 procedures are disseminated to all District staff, parents/guardians and students, and are posted in a prominent location on the District's website, and will provide OCR with a description how each was accomplished.

Training

2. **By April 30, 2014**, and annually, thereafter, the District will conduct in-service training for Jasper Middle School administrators and staff involved in the identification, evaluation, and placement of students under Section 504 and Title II, on its revised Section 504 Procedures, pursuant to Corrective Action #1 above, regarding the provision of procedural safeguards.

REPORTING REQUIREMENT: By June 13, 2014, or within 30 days of the training being conducted, whichever is later, the District will provide OCR with a report confirming the completion of the training required under Item #2, above. The documentation shall include: (1) the date of the training session; (2) a list of the

attendees, (3) the identity and qualifications of the trainer; and (4) a copy of the agenda and training materials disseminated.

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 this agreement. 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 of this Agreement and is in compliance with the Section 504 implementing regulation at 34 C.F.R. § 104.36, and the Title II, implementing regulation at 28 C.F.R. § 35.130.

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 the regulation implementing with the Section 504 implementing regulation at 34 C.F.R. § 104.36 and the Title II implementing regulation at 28 C.F.R. § 35.130, which was one of the issues of this case.

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/ _____ 12/13/13 _____
Superintendent or Designee Date
Pickens County School District, Georgia