

Resolution Agreement
Prince George's County Public Schools
Docket # 03131139

To resolve the allegations in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act (Title II) and its implementing regulation at 28 C.F.R. Part 35, Prince George's County Public 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 obligation under the regulation implementing Section 504 at 34 C.F.R. § 104.33 to provide a free appropriate public education to each qualified student with a disability in its jurisdiction. In addition, the District recognizes its obligations under Section 504 at 34 C.F.R. § 104.33 to fully implement Section 504 Plans for students with disabilities. Further, the District recognizes its obligation under the regulation implementing Section 504 at 34 C.F.R. §§ 104.35 and 104.36 to respond timely to requests to modify the educational program of students with disabilities. By May 30, 2014, the District will disseminate a memorandum (this memorandum can be sent electronically) to all staff and administrators at the XXXXXX XXXX XXXXXX School (the School) reminding them of these obligations under Section 504.
2. By May 30, 2014, the District will review and revise as necessary its policies and procedures regarding Section 504, specifically those procedures regarding the District's obligations to ensure that students' accommodations are implemented and to respond timely to requests for modifications.
3. By May 30, 2014, the District will convene a Section 504 Team Meeting, including persons with knowledge of the Student's educational activities during the 2012-2013 school year and XXX current levels of performance. The Team will determine; (1) whether the Student suffered any educational loss due to the District's alleged failure to fully implement XXX Section 504 Plan or to timely respond to requests to modify the Section 504 plan and, if so, whether this entitles the Student to compensatory education services; and (2) whether the Student's Section 504 Plan should be revised. In making these determinations, the Section 504 Team will adhere to the requirements of 34 C.F.R. § 104.35 (evaluation and placement) and § 104.36 (procedural safeguards). The District will invite, via certified mail, the Student's parent to attend the Section 504 Team Meeting for the Student at least fifteen (15) days in advance of the meeting, unless the Student's parent agrees to waive this requirement.
4. Within 15 calendar days of the meeting described in Commitment #3 above, the District will provide the Student's parent with written notice, via certified mail, of the outcome of the meeting, including: a description of any educational loss, a description of any compensatory educational services to be provided and the appropriate beginning and ending dates for these services, as applicable,. If compensatory educational services are determined to be necessary for the Student, the District will inform the Student's parent that XXX must respond to the offer(s) within fifteen (15) calendar days. The

notice will also inform the Student’s parent of the applicable procedural safeguards, in accordance with the requirements of 34 C.F.R. § 104.36. If the Student’s parent accepts the District’s offer(s), as applicable, the District agrees to begin providing the compensatory services, within fifteen (15) calendar days from the date of its receipt of the Student’s parent’s acceptance of the District’s offer, unless such services are only available during the regular school term or from private providers whose services are not available within that time, in which case, the services shall begin as soon as the school term begins or the provider is available. The compensatory education program shall be delivered in a manner so as not to hinder the delivery of any services that are required by the Student’s current educational program. If the Section 504 Team determines that no educational loss occurred, that no compensatory services are necessary, the District will provide in its written notice a written explanation of its decision, along with a notice of the procedural safeguards.

Reporting Requirements:

1. By June 15, 2014, the District will provide OCR with a copy of the memorandum sent to all staff and administrators at the School pursuant to Commitment #1, including the names and titles of all recipients of the memorandum, and the District’s method of distribution.
2. By June 15, 2014, the District will provide OCR with a copy of its revised policies and procedures pursuant to Commitment #2 above for OCR’s review and approval; if the District determines that no revisions are necessary, it will provide OCR with a summary of its deliberations and reasoning behind this decision. If appropriate, within fifteen (15) calendar days of the OCR’s approval of the revised policies and procedures, the District will provide a copy of the policies and procedures to all staff and administrators and provide OCR with proof that the policies and procedures were disseminated, including the name and title of each individual who received the aforementioned policies and procedures.
3. By July 15, 2014, the District will provide OCR with documents demonstrating the District’s compliance with Commitments #3 and #4, including: a) a copy of the invitation to the Section 504 Team Meeting to the Student’s parent, including verification that it was sent via certified mail; b) meeting minutes from the Section 504 Team Meeting; c) a copy of the notice sent to the Student’s parent informing XXX of the outcome of the Section 504 Team Meeting and any offers of compensatory education , as applicable, including verification that it was sent via certified mail, d) a copy of the procedural safeguards provided to the Student’s parent; a copy of the Student’s Section 504 Plan if revised, and e) documentation verifying that compensatory services were provided (if applicable).

The District agrees to comply with the terms of this Agreement until OCR has released it from monitoring. 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 and Title II, which are applicable to this complaint.

The District shall provide data and other information in a timely manner. 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

complied with the terms of this agreement and the provisions of Section 504 and Title II, which are applicable to 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/

6-2-14

Superintendent and/or Designee
Prince George’s County Public Schools

Date