

**Resolution Agreement
Prince Georges County Schools
OCR Docket No. 03141124**

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, the Prince Georges County Public Schools (the District) 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 makes the following commitments to OCR:

1. The District acknowledges its obligation under Section 504 and Title II to ensure that no person, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any District program or activity. The District further 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 that it must fully implement Section 504 Plans for students with disabilities.

By August 31, 2014, the District will disseminate a memorandum (which can be sent electronically) to all School staff members, including those who coach, supervise, advise, or work with students involved in athletics and extracurricular activities, and administrators at DuVal High School (the School) reminding them of their obligations under Section 504 that they must fully implement Section 504 Plans for students with disabilities and that different treatment of students on the basis of disability is a violation of Section 504, Title II, and the implementing regulations of each at 34 C.F.R. § 104.4 and 28 C.F.R. § 35.130.

2. By August 31, 2014, the District will send information to the Complainant regarding extracurricular activities at the School, as well as guidelines for participation and eligibility.
3. By September 15, 2014, the District will review and revise as necessary its policies and procedures regarding the transfer of existing Section 504 Plans and/or Individualized Education Programs, for students who advance or transfer from one school to another school in the District. The policies and procedures should provide for a tracking mechanism to ensure the continued implementation of these plans, in accordance with the requirements of 34 C.F.R. § 104.33. Within 30 days of OCR's approval of the procedures, the District will notify appropriate building staff of the procedures and any revisions.

4. By September 15, 2014, the District will convene a multidisciplinary team (MDT) meeting to review the Student's Section 504 Plan and determine whether the Student's current Section 504 Plan continues to provide him with a free appropriate public education. The District will conduct the meeting in accordance with the requirements of 34 C.F.R. § 104.35 (evaluation and placement) and § 104.36 (procedural safeguards). The District will invite the Complainant to attend the MDT meeting, via certified mail, at least fifteen (15) days in advance of the meeting, unless the Complainant agrees to waive this requirement. During this meeting, the team will also determine whether the Student suffered any educational loss during the 2013–14 school year due to the District's alleged failure to implement the Student's Section 504 Plan and, if so, whether this entitles the Student to compensatory educational services. The District will ensure that accurate meeting minutes are kept to document this meeting and any decisions made by the team.

5. Within 15 calendar days of the meeting described in Commitment 4 above, the District will provide the Complainant with written notice of the outcome of the meeting via certified mail. If compensatory educational services are determined to be necessary for the Student, the District will inform the Complainant that she must respond to the offer of compensatory services within fifteen (15) calendar days. The notice will also inform the Complainant of the applicable procedural safeguards, in accordance with the requirements of 34 C.F.R. § 104.36. If compensatory services are necessary, and the Complainant accepts the District's offer, the District agrees to begin providing the services within fifteen (15) calendar days from the date of its receipt of the Complainant's acceptance of the District's offer. 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 MDT determines that no educational loss occurred or that no compensatory services are necessary, the District will provide in its written notice to the Complainant an explanation of its decision, along with a notice of the procedural safeguards.

Reporting Requirements:

By October 15, 2014, the District will provide to OCR:

1. A copy of the memorandum referenced in Commitment 1, including a list of recipients by name and title.
2. A copy of the notice sent to the Complainant referenced in Commitment 2.
3. A copy of the procedures referenced in Commitment 3, including any necessary revisions.
4. Documentation demonstrating the District's compliance with Commitments 4 and 5 and the procedural requirements of the regulations implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making the determination regarding compensatory education, including:

- a. a copy of the Complainant’s invitation to the multidisciplinary team meeting, including verification that the invitation was sent via certified mail;
- b. a copy of the minutes from the meeting;
- c. the name/titles of meeting participants;
- d. the information considered by the team;
- e. a copy of the notice sent to the Complainant informing her of the outcome of the meeting, including any offers of compensatory education or an explanation for any decision that such services are not necessary, as applicable and verification that the notice was sent via certified mail;
- f. a copy of the procedural safeguards provided to the Complainant; and
- g. a copy of the schedule to provide compensatory education to the Student, if applicable.

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 regulations implementing Section 504, at 34 C.F.R. §§ 104.4 and 104.33, and Title II of the ADA, at 28 C.F.R. § 35.150, which were at issue in this complaint.

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 regulations implementing Section 504, at 34 C.F.R. §§ 104.4 and 104.33, and Title II of the ADA, at 28 C.F.R. § 35.150.

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/

8/7/2014

Superintendent and/or designee
Prince Georges County School District

Date