

Resolution Agreement
Baltimore City Public Schools
03151086

Baltimore City Public Schools (City Schools) has agreed to resolve the allegation of disability discrimination raised in complaint #03151086 filed with the U.S. Department of Education, Office for Civil Rights (OCR). City Schools voluntarily agrees to implement the following steps and to report the results of implementation to OCR. The Agreement does not constitute an admission of liability on the part of City Schools, nor does it constitute a determination by OCR of any violation of our regulations by the City Schools.

City Schools acknowledges its obligation to provide a free appropriate public education (FAPE) to each qualified individual with a disability within its jurisdiction, regardless of the nature or severity of the individual's disability in accordance with Section 504 at 34 C.F.R. § 104.33, and Title II at 28 C.F.R. § 35.130.

City Schools recognizes its obligation under the regulation implementing Section 504 at 34 C.F.R. § 104.33, to provide a free appropriate public education (FAPE) to each qualified student with a disability in its jurisdiction. City Schools also acknowledges its obligation under 34 C.F.R. § 100.7(e), as incorporated by 34 C.F.R. § 104.61, and 28 C.F.R. § 35.134, to refrain from retaliating against parties who have engaged in a protected activity or participated in the resolution process of complaints alleging discrimination in violation of statutes and regulations enforced by OCR.

Action Steps:

1. By October 15, 2015, City Schools will distribute a memorandum to all of its teachers and administrators at XXXXXX, reminding them of their obligation to provide a FAPE to each qualified student with a disability in its jurisdiction. The memorandum will also remind personnel of their obligation to refrain from retaliating against parties who have engaged in a protected activity. City Schools may use email for dissemination purposes.
2. By October 15, 2015, City Schools will XXXXXX school year due to City Schools' alleged failure to fully implement the provisions of the Student's Individualized Education Plan (IEP) requiring XXXXXX. In making its determination, the XXXXXX will adhere to the requirements 34 C.F.R. § 104.35 (evaluation and placement) and 34 C.F.R. § 104.36 (procedural safeguards). City Schools will invite XXXXXX.
3. Within fifteen (15) calendar days of OCR's approval of City Schools' decision regarding XXXXXX pursuant to Reporting Requirement 3, City Schools will provide the Complainant XXXXXX, including: a description of any XXXXXX. The notice will also inform the Complainant of the applicable procedural safeguards, in accordance with the requirements of 34 C.F.R. § 104.36.

4. XXXXXX. If the multidisciplinary team determines that no educational loss occurred and that no compensatory services are necessary, City Schools will provide a written explanation of its decision, including the basis for its decision, to the Complainant.

Reporting Requirements

1. By November 30, 2015, City Schools will provide OCR with a copy of the memorandum required by Action Step 1 and a list of individuals, by name and title, who received it.
2. XXXXXX
3. Within three (3) weeks of issuing its letter to the Complainant pursuant to Action Step 3, City Schools will provide OCR with a copy of the letter and documentation that procedural safeguards were provided to the Complainant.
4. XXXXXX
5. City Schools agrees to comply with the terms of this Agreement until OCR has released it from monitoring. City Schools understands that OCR will not close the monitoring until it determines that City Schools has fulfilled the terms of this Agreement and is in compliance with the provisions of the regulations implementing Section 504 at 34 C.F.R. §§ 104.3,104.33, and Title II at 28 C.F.R. § 35.130 which were at issue in this complaint.

City Schools agrees that by signing this Agreement, it agrees to provide data and other information to OCR in a timely manner. City Schools also understands that during the monitoring of this Agreement, OCR may visit City Schools, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether City Schools has fulfilled the terms of this Agreement and the provisions of the regulations implementing Section 504 at 34 C.F.R. §§ 104.3, 104.33, and Title II at 28 C.F.R. § 35.130 were at issue in this complaint.

City Schools 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 proceeding to enforce this Agreement, OCR shall give City Schools written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

7/13/2015

Superintendent or designee

Date