

**RESOLUTION AGREEMENT**  
**Baltimore County Public Schools**  
**OCR Docket No. 03-15-5002**

The Baltimore County Public Schools (the School System) voluntarily enters into this Resolution Agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve a compliance review that concerned ensuring equal access to students with disabilities<sup>1</sup> to career and technical education opportunities offered at the School System's Eastern Technical High School (Eastern) and Western School of Technology and Environmental Science (Western), ("the Schools"), in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

The School System agrees to take the action steps set forth below:

**ACTION STEPS**

**Magnet Task Force**

1. By January 13, 2017, the School System will convene the existing Magnet Task Force, comprised of a diverse group of stakeholders, including representatives from the following groups: students who attend the Schools, including students with disabilities, and/or their parent(s)/guardian(s); special education staff members from the Schools and from School System middle schools; School System administrators with oversight and/or supervision responsibilities at the Schools; middle school students with disabilities and/or their parent(s)/guardian(s); community leaders; and all other interested persons determined to be necessary by the School System, including any expert consultant(s) hired by the School System.
2. By April 28, 2017, the Office of Magnet Programs, in coordination with other School System personnel, will complete a comprehensive review of access of students with disabilities to and enrollment in the Schools' programs. The Office of Magnet Programs will produce a written report, containing findings and recommendations for use by the Magnet Task Force, including the following information:

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<sup>1</sup> For purposes of this Agreement, the phrase "students with disabilities" is defined as students who receive special education and/or related aids and services pursuant to an individualized education program (IEP) under the Individuals with Disabilities Education Act or a Section 504 plan; those who are otherwise identified by the School System as students with disabilities; and those who are suspected of having a physical or mental impairment that substantially impacts a major life activity, including those who have not yet been evaluated to determine eligibility for special education or related aids and services.

- a. A review of the Schools' enrollment data for the most recent three school years, including the 2016-2017 school year, including numbers of students with and without disabilities who apply to the Schools; qualify for admission at either or both; are offered admission; and accept admission.
- b. Data collection, through such means as public input meetings with and/or personal interviews of students with disabilities and their parents/guardians grades 9 through 12 at the Schools, concerning their perceptions and experiences with the Schools' application process, program availability, and access for students with disabilities.
- c. Solicit and include input from the Office of Educational Options, which, according to Superintendent's Rule 6400, is tasked with annually assessing the extent to which the magnet program's enrollment reflects the diversity of the School System, as well as reviewing and approving admission criteria for secondary magnet programs to ensure that the criteria are educationally related to the specialized curriculum or instructional strategy.

**REPORTING REQUIREMENT:** By March 1, 2017, the School System will provide to OCR a list of names and titles of Magnet Task Force members. By May 15, 2017, the School System will provide a copy of the Office of Magnet Programs' report and recommendations, and make available any information gathered to OCR for review, upon request.

3. By January 15, 2018, in order to continue to address access to magnet programs, and recommend revisions to the application process, recruitment process, and admission criteria, the School System agrees to convene the existing Magnet Task Force to review the findings and recommendations of the office of magnet programs. By January 15, 2018, the Magnet Task Force shall complete a comprehensive review of access of students with disabilities to and enrollment in the Schools' programs. The will produce a written report, containing findings and recommendations for use by School System's Superintendent and Board of Education, including the following information:
  - a. A review of the Schools' enrollment data for the 2017-2018 school year, including numbers of students with and without disabilities who apply to the Schools; qualify for admission at either or both; are offered admission; and accept admission.
  - b. Identification and assessment of potential barriers to students, including students with disabilities, who seek to apply or enroll in the Schools, including, at a minimum: number and subject matter of the Schools' programs; geographic location of the Schools; transportation; curriculum in previous grade levels, including any limitations that may cause students with disabilities to be unable to meet the Schools' admission requirements; the use of the current assessments for program admission; School System communication about the

factors considered for admission to the Schools, including the use of the term “criteria” on self-evaluation forms in describing admission considerations that are not requirements; School System communication and outreach regarding its rules and procedures for providing special education and/or related aids and services at the Schools; availability of related aids and services, such as assistance from one-on-one-aides and in-school therapists, at the Schools; and physical accessibility of the Schools’ building, facilities, and program locations.

- c. Identification of any methods undertaken by the School System that have been effective or ineffective in encouraging and promoting student participation in the Schools’ programs, particularly for students with disabilities.
- d. Data collection, through such means as voluntary surveys and/or personal interviews of middle school students (i.e., those in grades 6 through 8) concerning their perceptions and understanding of the Schools’ application process, program availability, and access for students with disabilities.
- e. Consultation with other similarly sized school systems or school districts, as well as education and other experts, concerning effective methods for encouraging students with disabilities to enroll in magnet programs.

**REPORTING REQUIREMENT:** By January 31, 2018, the School System will provide a copy of the Magnet Task Force report and recommendations, and make available any information gathered to OCR for review, upon request.

**Development of Plan for Access for Students with Disabilities**

- 4. By March 1, 2018, the School System will develop and submit to OCR, for OCR’s review and approval, a plan based on the Magnet Task Force’s recommendations and other appropriate sources of input, to ensure equal access to the Schools for students with disabilities. The plan will specify any related Superintendent’s rules, procedures, and activities; include a comprehensive and effective system for evaluating and monitoring implementation of the plan on an annual basis; contain timeframes within which the actions will be completed; and identify the individuals responsible for overseeing each action. OCR shall provide approval or request revisions to the School System plan no later than 45 calendar days from the submission. Within 120 calendar days of written approval of the plan by OCR, the School System will implement the plan.

**REPORTING REQUIREMENT:** By March 1, 2018, the School System will provide a copy of its plan for OCR’s review and approval. Within 120 days of OCR’s review and approval of same, the School System will provide documentation to OCR relating to its implementation of the plan.

**Academic Counseling Services**

5. By January 13, 2017, the School System will complete an evaluation of its academic counseling services at the middle school level and make changes to ensure that students, especially from populations (including students with disabilities) who are underrepresented in the Schools, receive counseling that:
  - a. Informs each student of available program and course options in magnet programs, and specifically at the Schools:
    - i. During any regularly scheduled individual student counseling sessions, and
    - ii. During any group information sessions provided to students about high school magnet programs and/or the application process. Group information sessions may include presentations by magnet coordinators, guidance counselors, teachers, administrators, and testimonials from students and/or parents/guardians of a diverse group of students enrolled in magnet programs, including the Schools.
  - b. Allows each student to meaningfully consider enrollment in magnet programs, and specifically in the Schools.
  - c. Advises students that they will receive all accommodations and services to which they are entitled pursuant to their IEPs, Section 504 plans, or similar disability-related plans, on any application assessments.
  - d. Advises students that they will continue to receive all special education and/or related aids and services to which they are entitled pursuant to their IEPs, Section 504 plans, or similar disability-related plans, if they enroll in either of the Schools.
  - e. Directly and personally encourages each student to enroll in programs and courses that are appropriately challenging and that will prepare the student for postsecondary level education or career.
  - f. Notifies parents/guardians and students about specific transportation services provided by the School System and their continued eligibility for such services pursuant to their IEPs, Section 504 plans, or similar disability-related plans, if applicable, regardless of location of residence.
6. By April 28, 2017, the School System will develop written recommendations based on its evaluation of its academic counseling services and implement the recommendations, as appropriate, as soon as practicable but no later than the start of the 2017-2018 school

year. The School System will thereafter conduct an ongoing evaluation of its academic counseling services and make necessary changes to the services.

**REPORTING REQUIREMENT:** By May 31, 2017, the School System will provide OCR with its written recommendations and steps taken to date to implement the recommendations. By July 31, 2018, and July 31, 2019, the School System will provide documentation to OCR relating to additional steps taken to implement the recommendations and/or make changes to its counseling services.

### **Outreach**

OCR recognizes that the School System has a number of outreach efforts in place to publicize the opportunities offered by its magnet programs throughout the School System, including those programs at the Schools. These outreach efforts include the dissemination of printed materials and planned events, such as a Magnet School Expo and Open Houses at the respective Schools. To ensure that information about the magnet programs, specifically those offered at the Schools, is effectively and widely disseminated, the School System agrees to the following:

7. Immediately and on an ongoing basis, the School System will continue its current outreach activities and take the following steps to ensure that detailed information regarding its magnet programs is effectively and widely disseminated, including transportation options, the enrollment process, and the benefits to students enrolling in such programs:
  - a. Prominently display the information described above, as well as information regarding the availability of special education and related aids and services for students with disabilities, on the Schools' webpages, the Magnet Program Office webpage, the Office of Special Education's webpage and any other webpages identified by the School System that prospective students and their parents access.
  - b. Disseminate information regarding the School System's magnet programs, and specifically those at the Schools, as described above, to community organizations that are in regular contact with parents/guardians of students with disabilities such as the Special Education Citizens Advisory Committee (SECAC).
  - c. Specifically designate an individual(s) from the Office of Special Education to attend and participate at the Magnet School Expo to answer questions regarding the availability of special education and related aids and services for students with disabilities.
  - d. At the magnet open houses at the Schools, provide presentations for middle school students with disabilities and their parents/guardians that includes

information regarding special education and related aids and services, including transportation, as necessary to provide FAPE.

**REPORTING REQUIREMENT:** By March 1, 2017, the School System will provide to OCR copies of promotional materials described in this item. By March 1, 2018, the School System will provide documentation to OCR relating to additional steps taken pursuant to this item.

#### **Students with Disabilities**

8. By December 15, 2016, and annually thereafter by October 31, 2017 and 2018, the School System will provide written notice to parents/guardians of students enrolled in the School System in grades 6 through 9, who have been identified as students with disabilities or who are suspected to be students with disabilities, concerning the availability of special education services and/or related aids and services at the Schools. By the same date(s), the School System will ensure that this information is available on its website.

**REPORTING REQUIREMENT:** By January 6, 2017, November 15, 2017 and November 15, 2018, the School System will provide documentation to show that it has implemented this provision, including a copy of the written notice to parents/guardians and a link to the School System's website where this information is posted.

#### **Admissions/Enrollment Criteria**

9. By June 30, 2017, based on the review by the Office of Magnet Programs, and in order to make changes for the 2018-2019 application cycle, the School System will review and revise, as necessary, the admissions process, enrollment criteria, and any additional related rules and procedures for enrollment in the Schools, with a focus on ensuring equal access and equal opportunity for students to participate. At a minimum, the School System will remove language identified by OCR regarding staffing meetings from the School System's IDEA Guide and revise PS 114, to include the following:
  - a. A requirement that each person or entity responsible for enrollment at the Schools conduct a review of its application process to ensure that the enrollment criteria do not directly or indirectly deny or exclude students on the basis of disability or need for special education or related aids and services;
  - b. A requirement that the evaluation of students' application materials for admission to the Schools, including but not limited to any tests, written or verbal essays, interviews, auditions, performances, demonstrations, and teacher recommendations, measure the students' abilities to meet the specific program requirements and not the students' disability(ies);

- c. Policies and application materials for the Schools will specify that the Schools are prohibited from using the applicants' disability status or perceived disability status to exclude or otherwise deny qualified applicants from participation in the Schools' programs; and
- d. Notification of the availability of disability-related services as required by applicants' IEPs, Section 504 Plans, or similar disability-related plan for applicants as part of the Schools' application, admission, assessment, and enrollment process.

**REPORTING REQUIREMENT:** By July 30, 2017, the School System will provide to OCR, for review and approval, documentation of the removal of language from the IDEA Guide and the revision(s) to PS 114.

- 10. By March 1, 2018, based on the finding and recommendations of the Magnet Task Force, as indicated in Item 3 of this agreement, the School System will review and revise, as necessary, the admissions process, enrollment criteria, and any additional related rules, procedures, or practices for enrollment in the Schools, with a focus on ensuring equal access and equal opportunity for students with disabilities to participate.

**REPORTING REQUIREMENT:** By March 1, 2018, the School System will provide a copy of documentation of its revised admissions process, enrollment criteria, and any additional related rules, procedures, or practices for enrollment in the Schools for OCR's review and approval. OCR will provide approval or request revisions to this documentation no later than 45 calendar days from the submission.

- 11. Within 120 calendar days of receiving OCR's approval of the revised admissions/enrollment procedures, including Superintendent's Rules, the School System will adopt the revised procedures, publish them on the Schools' websites, make copies available at school fairs/showcase events or other recruitment events concerning the Schools, and provide copies to the following:
  - a. Staff who assist students and parents in making school choices for the grade levels included at the Schools, including middle school counselors and magnet school coordinators;
  - b. Staff in the Office of Magnet Programs and Office of Educational Options;
  - c. Administrators involved in the admission process at the Schools;
  - d. Staff who are involved in the admission process or processing of new student applications and admission decisions at the Schools; and
  - e. Current applicants to the Schools and their parents/guardians.

**REPORTING REQUIREMENT:** Upon adoption and publication of the information in Item 11, the School System will, within 30 days, submit to OCR confirmation that it complied with this notification requirement by providing copies of emails or other notification documents accompanying the revised rules and procedures, as appropriate.

**School System Communication**

12. By October 1, 2017, and on an on-going basis, the School System will ensure that, at each magnet school showcase, open house, or similar event at the Schools or including information about the Schools' programs, information about the availability of disability-related services at the Schools is prominently displayed and/or presented to all prospective students, parents, and guardians. This may include, for example, displays of information from the Office of Special Education, including representative staff members from that office who are available to answer questions, or presentations by staff member(s) from the Office of Special Education that are designed to provide information to students and parents about the accessibility of the Schools' application and enrollment process, as well as how special education and related aids and services, including transportation services, are provided by the Schools.

**REPORTING REQUIREMENT:** By November 30, 2017, and by the same date annually in 2018 and 2019, the School System will submit to OCR documentation demonstrating its implementation of this Item, including lists of Special Education staff members who attended the events noted above and copies of any documents or presentations used to implement this Item.

**School System Personnel Training**

13. By October 15, 2017, and by the same date in 2018 and 2019, the School System will develop and provide annual training for relevant School System and School administrators and staff regarding access for students with disabilities at the Schools. The School System will ensure that the training includes, at a minimum:
  - a. A review of the enrollment demographics at the Schools;
  - b. An overview of the identification/selection criteria for the Schools;
  - c. An overview of outreach efforts regarding these Schools; and
  - d. Information and instruction regarding other actions the School System may be taking in an effort to increase student participation at the Schools, including targeted recruitment efforts to encourage students with disabilities to consider participation.



**REPORTING REQUIREMENT:** By October 31, 2017 and annually thereafter in 2018 and 2019, the School System will submit to OCR documentation regarding the training provided to School System and School staff, including dates of the training, identification of the trainers, identification of the trainees, copies of agendas used, and copies of documents distributed during the training sessions(s).

**Monitoring of Plan for Access for Students with Disabilities**

14. By June 30, 2018 and June 30, 2019, the School System will conduct an evaluation of the effectiveness of its Plan for Access for Students with Disabilities, including an analysis of the data related to application and enrollment of students with disabilities in the Schools each school year, to determine whether students with disabilities were provided equal access and equal opportunity to participate in the Schools' programs. The School System will revise its Plan, developed pursuant to Item 4, and related policies, procedures, and practices as appropriate, based on its evaluation.

**REPORTING REQUIREMENT:** By July 30, 2018 and July 30, 2019, the School System will submit to OCR a copy of its analysis and any revisions to its Plan for Access for Students with Disabilities. At a minimum, the information provided for each school year should include:

- a. The number of students enrolled in the Schools, noting how many students are students with disabilities;
- b. The number of students who applied for enrollment at the Schools, noting how many students were students with disabilities;
- c. The number of students who were selected for enrollment at each School, noting how many students were students with disabilities; and
- d. The School System's analysis of whether selections at the Schools were disproportionate for any student groups, including students with disabilities, and if so, a plan for addressing any problems identified.

**General Requirements**

The School System understands that OCR will not close the monitoring of this Agreement until OCR determines that the School System 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 Title II, at 28 C.F.R. § 35.130, which were at issue in this case.

The School System 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. Further, the School System understands that during the monitoring of this Agreement, if necessary, OCR may visit the School System, interview staff, and request such

additional reports or data, including simulated website accounts and passwords, as are necessary for OCR to determine whether the School System 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 Title II, at 28 C.F.R. § 35.130, which were at issue in this case.

The School System 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 School System written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/

11/21/2016

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Superintendent or Designee

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Date