

**Resolution Agreement
Baltimore County Public Schools
OCR Docket Number 03161106**

The U.S. Department of Education, Office for Civil Rights (OCR) and the Baltimore County Public Schools (the School System) enter into this agreement to resolve the allegations in the above-referenced complaint. This agreement does not constitute an admission of liability by the School System. The School System assures OCR, that it will take the following action steps to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35.

ACTION STEPS and REPORTING REQUIREMENTS

1. By March 15, 2020, after providing proper written notice to the Complainant, a group of persons knowledgeable about the Student, including the Complainant, will determine whether the School System during the 2015–16 and 2016–17 school years failed to: (a) conduct appropriate pre-placement evaluation meetings to determine the Student’s placement; (b) provide academic and nonacademic services to the Student in the least restrictive environment with students without disabilities to the maximum extent appropriate to the needs of the Student; (c) determine if the Student was denied a free and appropriate education (FAPE) based on the time that he was removed from the classroom during incidents in which the Student was subject to seclusion or restraint during the 2015-16 school year; and (d) implement the Student’s behavior improvement plan in October 2016.
2. If the group determines that the Student was not evaluated or provided services in the least restrictive environment or was otherwise denied FAPE, then the groups shall determine the type and nature of compensatory services necessary to address the loss of FAPE. Upon the determination that the student requires compensatory and/or remedial services, the group will within 1 week of its determination develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 15, 2020. As part of the same meeting, or in a separate meeting, the team will determine whether and to what extent additional or different interventions or supports and services are needed, and, if necessary, reevaluate the Student. The School System will provide the Complainant with notice of the procedural safeguards including the right to challenge the group’s determination through an impartial due process hearing.

Reporting Requirements:

Within 2 weeks of the decision as to whether compensatory and/or remedial services are needed, the School System will submit to OCR documents supporting the group’s decision; the School System will also submit documentation of the team’s decision with respect to any revisions to the interventions/supports in the Student’s program. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of any schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the School System’s decision and plan for providing the proposed services, review

the documentation to ensure that the School System met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

If necessary, by June 30, 2020, the School System will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s). The School System will also provide documentation showing proof that the Complainant received procedural safeguards.

Reporting Requirements:

If proposed remedies are approved by OCR, within 30 days of the approval, the School System will provide OCR with 1) a copy of the letter sent to the Complainant with an offer of the steps it is prepared to take to fully and effectively address the impact on the Student; and 2) documentation to OCR of the dates, times and locations that remedies were provided, a description of what was provided, and the name(s) of the provider(s). Alternatively, the School System will notify OCR if the Complainant declined any of the remedies that were offered.

3. The School System recognizes its obligation under the regulation implementing Section 504 at 34 C.F.R. § 104.33 to provide a FAPE to each qualified student with a disability in its jurisdiction. In addition, the School System recognizes its obligations under Section 504 at 34 C.F.R. § 104.33 to fully implement Individualized Education Programs (IEPs) for students with disabilities and the procedural requirements of 34 C. F. R. §§104.34-104.36 pertaining to educational setting, evaluation and placement, and due process protections. By February 28, 2020, the School System shall distribute a memorandum to all staff at the Red House Run Elementary School (the School) reminding them of their obligation to provide a FAPE to each qualified student with a disability, which includes implementing each student’s Section 504 Plan or Individualized Education Program (IEP), and of the procedural requirements of 34 C. F. R. §§104.34-104.36 pertaining to educational setting, evaluation and placement, and due process protections. The memorandum will also remind staff that retaliation against persons who assert their rights under the laws OCR enforces is prohibited.

Reporting Requirements:

Within 2 weeks of sending the memorandum to staff, the School System will provide OCR with a copy of the memo and proof that it was distributed along with a list of recipients.

The School System understands that by signing the resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the School System understands that during the monitoring of the resolution agreement, if necessary, OCR may visit the School System, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the School System has fulfilled the terms and obligations of the resolution agreement. Upon the School System’s satisfaction of the commitments made under the agreement, OCR will close the case.

The School System understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the recipient written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____

Superintendent/Designee
Baltimore County Public Schools

1/30/20

Date