

**Resolution Agreement
Charles County Public Schools
OCR Docket Number 03161175**

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 of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35, Charles County Public Schools (the District) commits to implement the provisions set forth in this Resolution Agreement (Agreement). This Agreement does not constitute an admission by the District that it is not in compliance with Section 504, the ADA, or their implementing regulations.

ACTION STEPS and REPORTING REQUIREMENTS

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 (FAPE) 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 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 October 1, 2019, the District shall distribute a memorandum to all staff at the General Smallwood 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), as applicable. The memorandum will also remind staff that students with disabilities should not be required to request accommodations, unless a multidisciplinary team has made an appropriate individualized determination that making such requests is appropriate for that student. The memorandum will also remind staff of the procedural requirements of 34 C. F. R. §§104.34-104.36 pertaining to educational setting, evaluation and placement, and due process protections.

Reporting Requirements:

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

XX – Paragraphs Redacted – XX

The District 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 District understands that during the monitoring of this Agreement, if necessary, 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 and obligations of this Agreement. Upon completion of the obligations under this Agreement, OCR shall close this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). 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 sixty (60) calendar days to cure the alleged breach.

/s/

8/23/19

Superintendent/Designee
Charles County Public Schools

Date