

Voluntary Resolution Agreement
Prince George's County Public Schools
OCR Docket Number: 03161264

To resolve the allegations in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), Prince George's County Public Schools (the District) voluntarily enters into this Resolution Agreement (the Agreement) and commits to implement the provisions set forth in this Agreement to ensure compliance with the requirements of 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; Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35; and Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000(d), and its implementing regulation, 34 C.F.R. Part 100.

This Agreement does not constitute an admission of liability by the District, nor does it constitute a determination by OCR that the District violated any of the regulations enforced by OCR.

Issuance of Memoranda

Action Step 1

The District recognizes and affirms its responsibility to provide a Free Appropriate Public Education (FAPE) to each qualified student with a disability and to fully implement the educational programs of students with disabilities, including all of the provisions in their Individualized Education Programs (IEPs). The District confirms that it complies with the following provisions of the Section 504 implementing regulations:

34 C.F.R. § 104.33 (a), requiring school districts to provide a free appropriate public education (FAPE) to each qualified student with a disability who is in the recipient's jurisdiction, regardless of the nature or severity of the student's disability and 34 C.F.R. § 104.33 (b)(1), defining an appropriate education as the provision of regular or special education and related aids and services that (i) are designed to meet individual educational needs of students with disabilities as adequately as the needs of non-disabled students are met and (ii) are based upon adherence to procedures that satisfy the requirements of §§ 104.34, 104.35, and 104.36.

The District recognizes and affirms its obligation under Section 504 and Title II to ensure that no person, on the basis of disability, is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any District program or activity or treated differently on the basis of disability. The District acknowledges its obligation not to treat students with disabilities differently than non-disabled students, generally and specifically, with respect to discipline or other actions that are taken in response to their behaviors or conduct, unless such treatment is consistent with the student's Section 504 Plan or IEP, as applicable. The District further commits not to exclude students with disabilities from participation in its programs and activities, including field trips, recess and other recreational activities, and ensures that they will participate to the same extent as nondisabled students, unless otherwise specified in a student's Section 504 Plan or IEP, as applicable.

The District shall issue a memorandum containing the language above and disseminate it to its Director of Special Education and Special Education Supervisors at the District level and the administrators and staff at Springhill Lake Elementary School (the School) who are involved in the provision of services to students with disabilities.

Reporting Requirement: By May 15, 2017, the District shall submit to OCR a copy of the memorandum required under Action Step 1, a list of the names and titles of the persons who received the memorandum(s), and an explanation of the manner in which it was distributed.

Action Step 2

The District acknowledges its obligations under the Title VI regulation at 34 C.F.R. § 100.3 to ensure that no person, on the basis of race, color or national origin, is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any District program or activity or treated differently on the basis of race, color or national origin. The District recognizes and affirms its responsibility to provide effective translation services by qualified interpreters at Individualized Education Program (IEP) meetings to any parents/guardians who have been identified as not speaking English as their primary language, including at all future IEP meetings for the Student while he is enrolled in the District.

The District shall issue a memorandum containing the language above and disseminate it to all administrators and staff at the Springhill Lake Elementary School (the School).

Reporting Requirement: By May 15, 2017, the District shall submit to OCR a copy of the memorandum required under Action Step 2, a list of the names and titles of the persons who received the memorandum, an explanation of the manner in which it was distributed and the date it was disseminated.

XXX—paragraphs redacted--XXX

Conclusion

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, the ADA, and Title VI, which were at issue in this complaint.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, the ADA, and Title VI, which were at issue in this complaint; specifically, 34 C.F.R. § 104.33, 34 C.F.R. § 104.4 and 34 C.F.R. 100.3(a), (b)

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 sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Superintendent or Designee
Prince George’s County Public Schools

____4/11/2017_____
Date