

RESOLUTION AGREEMENT
Prince George's County Public Schools
Docket Number 03-17-1171

The U.S. Department of Education, Office for Civil Rights (OCR) and the Prince George's County Public Schools (the District) enter into this agreement to resolve the allegation in the above-referenced complaint. This agreement does not constitute an admission of liability, or non-compliance by the District. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

Action Steps and Reporting Requirements

1. Within 30 days of signing this Agreement, the District shall distribute a memorandum to all XXXXXX staff reminding them of their obligations under Section 504 to provide a free appropriate public education (FAPE) to each qualified individual with a disability within its jurisdiction. The provision of an appropriate education is the provision of regular or special education and related aids and services that are designed to meet individual educational needs of persons with disabilities as adequately as the needs of persons are met and adhere to the procedural requirements of Section 504 with regard to evaluation and placement. The memo specifically will remind staff of the District's obligation to:
 - a. Ensure that students with disabilities who have been provided special education or related services are periodically reevaluated; and
 - b. To conduct an evaluation of any student with a disability who needs special education or related services before taking any action with respect to any significant change in the student's educational placement, including disciplinary actions which constitute a significant change in placement. Preplacement evaluations shall comply with the requirements set forth in 34 C.F.R. § 104.35 (b) and (c).

In addition, the memorandum will remind staff of the following:

- c. A student with a disability cannot be disciplined for behavior that is a manifestation of his disability if the disciplinary action constitutes a significant change in placement, which includes suspensions or expulsions for more than 10 days or a series of suspensions that are each ten days or fewer in duration, but which total more than ten days in the aggregate, and which create a pattern of exclusion;

- d. District staff members are prohibited from retaliating against any individual who engages in a protected activity, including, but not limited to advocating for students with disabilities or participating in a grievance or complaint process alleging disability discrimination.

Reporting Requirement Within 45 days of signing this agreement, the District shall submit to OCR a copy of the memorandum distributed to all staff per Action Step 1, including a list of the names and titles of the persons who received the memorandum, and an explanation of the manner in which it was distributed, including the date.

2. XX – paragraphs redacted – XX

The District understands that by signing this Agreement, it agrees to provide the foregoing 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 of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R.

§104.21, and Title II implementing regulation at 28 C.F.R. §35.149. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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. 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.

This Agreement will become effective immediately upon the signature of the District’s representative below.

/s/

Dr. Kevin M. Maxwell, CEO or Designee
Prince George’s County Public Schools

8/15/2017

Date

/s/

U.S. Department of Education, OCR Philadelphia Office Director

9/1/2017

Date