

**Voluntary Resolution Agreement
Cecil County Public Schools
OCR # 03171382**

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and the Cecil County Public Schools (the District) enter into this Agreement to resolve the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing 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) and Title II of the Americans with Disabilities Act of 1990 (the ADA) and their implementing regulations, at 34 C.F.R Part 104 and 28 C.F.R. Part 35, which prohibit discrimination based on disability, and specifically, the following provisions of the Section 504 regulations which were at issue in this complaint: 34 C.F.R. §§ 104.33, 104.35 and 104.36.

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

Action Step # 1 - Issuance of Memoranda

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.

34 C.F.R. §104.35(a), providing that school districts are required to conduct an evaluation of any student who needs or is believed to need special education or related aids and services because of disability before taking any action with respect to the student's initial placement and before any subsequent significant change in placement.

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 the Chesapeake City Elementary School (the School) who are involved in the provision of services to students with disabilities.

Reporting Requirement: By April 1, 2019, 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.

XX - Paragraphs redacted - XX

Conclusion

Further, the District understands that during the monitoring of the resolution 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 the resolution agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case.

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 the regulations implementing Section 504 and the ADA which were at issue in this complaint, specifically, the Section 504 regulations at 34 C.F.R. §§ 104.33, 104.35 and 104.36. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this complaint.

The District 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 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/
Superintendent or Designee

2-26-19
Date