



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515  
100 PENN SQUARE EAST  
PHILADELPHIA, PA 19107-3323

REGION III  
DELAWARE  
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MARYLAND  
PENNSYLVANIA  
WEST VIRGINIA

May 7, 2018 (re-issued May 31, 2018)

Dr. Kevin M. Maxwell  
Chief Executive Officer  
Prince George's County Public Schools  
Sasscer Administration Building  
14201 School Lane  
Upper Marlboro, MD 20772

**IN RESPONSE, PLEASE REFER TO: 03-18-1020**

Dear Dr. Maxwell:

This is to advise you of the resolution of the above-referenced complaint filed against Prince George's County Public Schools (the District). The complaint was filed on behalf XXXXXX (the Student), a student at the XXXXXX (the School). The Complainant alleged the District discriminated against the Student on the basis of disability. Specifically, the Complainant alleged:

1. The District failed to implement the following provisions of the Student's Section 504 plan:
  - a. XXXXXX
  - b. XXXXXX
  - c. XXXXXX

OCR enforces:

- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance.
- Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities.

As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to these laws.

Legal Authority:

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

The Section 504 regulation, at 34 C.F.R. § 104.33, requires school districts to provide a free appropriate public education (FAPE) to students with disabilities. An appropriate education is regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met and that are developed in compliance with Section 504's procedural requirements. OCR interprets the Title II regulation, at 28 C.F.R. §§ 35.103(a) and 35.130(b)(1)(ii) and (iii), to require school districts to provide FAPE to the same extent required under the Section 504 regulation.

Investigation To Date:

XX – paragraphs redacted – XX

Prior to the completion of OCR's investigation, the District asked to resolve this complaint. On April 10, 2018, the District submitted the enclosed signed Resolution Agreement (the Agreement) to OCR. When fully implemented, the Agreement will resolve allegations 1(b) and 1(c) in the complaint.

In light of the commitments the District has made in the Agreement, OCR finds that the complaint is resolved, and OCR is closing its investigation as of the date of this letter. OCR will monitor the District's implementation of the Agreement to ensure that the commitments made are implemented timely and effectively. OCR may request additional information as necessary to determine whether the District has fulfilled the terms of the Agreement and is in compliance with Section 504 and Title II with regard to the issue raised.

If the District fails to implement the Agreement, OCR may initiate administrative or judicial proceedings to enforce specific terms and obligations of the Agreement. Before initiating administrative (34 CFR §§ 100.9, 100.10) or judicial proceedings to enforce the Agreement, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the breach.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual may file another complaint alleging such treatment. The Complainant may file a private suit in federal court, whether or not OCR finds a violation.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, OCR will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

Thank you for the assistance Gail Viens extended to OCR in resolving this complaint. We look forward to receiving the District's first report about its implementation of the Agreement by May 15, 2018. If you have any questions, please contact Cynthia Wesley at (215) 656-8548 or [Cynthia.wesley@ed.gov](mailto:Cynthia.wesley@ed.gov).

Sincerely,

/s/

Nancy E. Potter  
Team Leader

Enclosure: Resolution Agreement