

RESOLUTION AGREEMENT
Baltimore City Public Schools
Case Number 03-18-1092

The U.S. Department of Education, Office for Civil Rights (OCR) and Baltimore City Public Schools (the District) enter into this agreement to resolve the allegation in the above-referenced complaint. 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, and its implementing regulation at 28 C.F.R. Part 35, which prohibits 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. The District acknowledges its obligation to provide a free appropriate public education (FAPE) to each qualified individual with a disability within its jurisdiction, regardless of the nature or severity of the individual's disability in accordance with Section 504 at 34 C.F.R. § 104.33, and Title II at 28 C.F.R. § 35.130. In addition, the District recognizes its obligations under Section 504 at 34 C.F.R. § 104.33 to fully implement education programs (including Individualized Education Programs and Section 504 Plans) for students with disabilities.

Within 30 days of signing this agreement, the District shall distribute a memorandum to all staff at the Frederick Douglass High 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 IEP, as applicable.

Reporting Requirement: Within 45 days of signing this agreement, the District will submit to OCR a copy of the memorandum issued in accordance with Action Step #1 and the distribution list identifying the staff who received the memorandum.

2. Within 60 calendar days of signing this agreement, the District will convene a meeting with a group of persons knowledgeable about the Student (the Section 504 Team), including, but not limited to, District administrators/staff and the Complainant, to determine whether the Student suffered an educational loss as a result of the District's XXXXXX.

XX – paragraphs redacted – XX

Reporting Requirement: Within 21 days of the Section 504 team meeting required by Action Step #2 and the decision as to whether the Student requires compensatory and/or remedial services, the District will submit to OCR documents concerning that decision. OCR will, prior to approving the District's decision and plan for providing the

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proposed services, review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

The documentation submitted shall include:

- a. the written invitation sent to the Complainant for the placement team meeting;
- b. a list of meeting participants;
- c. the information considered by the placement team;
- d. an explanation for all decisions made, including the team's decision as to whether the Student suffered an educational loss;
- e. a description of the types of compensatory education or other remedial service options discussed;
- f. a description of and schedule for providing compensatory and/or remedial services the Student for educational loss (if any);
- g. the notice of procedural safeguards provided to the Complainant; and
- h. a copy of the meeting minutes.

XX – paragraph 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 of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. 34 C.F.R. §§ 104.4, 104.33, 104.35 and 104.36, and Title II, at 28 C.F.R. §§ 35.130(a) and (b)(1)(iii), which were at issue in this complaint. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this review.

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/

7/19/18

Superintendent/Designee
Baltimore City Public Schools

Date