

Voluntary Resolution Agreement

Prince George's County Public Schools
OCR Docket Number
03-18-1179

The U.S. Department of Education, Office for Civil Rights (OCR) and Prince George's County 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. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 et seq., and its implementing regulation, 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.

1. The District recognizes its obligation under the regulation implementing Section 504 at 34 C.F.R. § 104.33 to provide a free appropriate public education (FAPE), including the development and implementation of Individualized Education Plans (IEPs) and Section 504 plans, to each qualified student with a disability in its jurisdiction.
2. By July 1, 2018, the District will disseminate a memorandum (this memorandum can be sent electronically) to all District level administrators, staff and administrators at Gwyn Park High School (High School), reminding them of these obligations under Section 504 to provide a FAPE, which includes the implementation of each student's Section 504 Plan or IEP, as applicable.

Reporting Requirement: By August 1, 2018, the District will provide OCR with a copy of the memorandum sent to the administrators and staff set forth in Action Step #2, including the names and titles of all recipients of the memorandum and the District's method of distribution.

3. XX – paragraphs redacted – XX

Reporting Requirements:

By October 1, 2018, the District shall provide the following information to OCR for its review and approval:

- a. XXXXXX;

- b. XXXXXX; and
- c. XXXXXX.

OCR will, prior to approving the District’s decision and plan for providing the 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.

Within 90 days of OCR approval of XXXXXX, the District will provide to OCR the following documentation:

- d. XXXXXX;
- e. XXXXXX;
- f. XXXXXX; and
- g. XXXXXX.

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, 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. § 104.33, which was at issue in 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 and 100.10) or judicial proceeding 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 Recipient’s representative below.

/s/

7/11/18

Superintendent or Designee
Prince George’s County Public Schools

Date