

**Voluntary Resolution Agreement
Baltimore County Public Schools (the School System)
Complaint #03181228 & 03191081**

The U.S. Department Education, Office for Civil Rights (OCR) and the Baltimore County Public Schools (the School System) enter into this Voluntary Resolution Agreement (Agreement) to resolve the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the School System.

The School System assures OCR that it will take the following actions to ensure that it complies with The School System 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 School System agreed to resolve the issues presented in this complaint pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues under investigation, the School System agrees to take the actions outlined below.

Action Items

1. By September 30, 2019, after providing proper written notice to the Complainant, a group of knowledgeable persons, including the Complainant, will convene a Section 504 Team meeting to determine whether there was a failure to provide the supports below and if there was a failure, whether the Student incurred an educational loss or a denial of FAPE resulting from a failure to:
 - a. Provide the Student with assistive technology devices that interfaced with the School System's online resources and by failing to make course materials available online.
 - b. Provide the Student with extra time on tests, quizzes and assignments.
 - c. Provide the Student with organizational supports.
 - d. Provide the Student with electronic copies of class notes.
 - e. Provide the Student with use of a flash pass on XXXXXXXXXX.
 - f. Conduct pre-placement meetings XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXX that: drew upon information from a variety of sources; ensured that information obtained from all such sources was documented and carefully considered; and ensured that the placement decision was made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.
 - g. XX
XX.

In making these assessments, the Section 504 Team will adhere to the requirements prescribed by Section 504 and its implementing regulation, at 34 C.F.R. Section 104.34 (educational setting) 34 C.F.R. Section 104.35 (evaluation and placement) and 34 C.F.R. Section 104.36 (procedural safeguards). If the Section 504 Team determines that the

Student incurred an educational loss with respect to a. – g. above, within 1 week of its determination, the Section 504 Team will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond March 30, 2020. Further, if the Section 504 Team determines that the Student's educational program requires modification, the Section 504 Team will finalize any such revisions within one week of the date of the Section 504 Team meeting.

The School System will provide the Complainants notice of the procedural safeguards including the right to challenge the Team's determination through an impartial due process hearing.

Reporting Requirements:

- a. Within 2 weeks of the decision as to whether compensatory and/or remedial services are needed, the School System will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the School System's decision and plan for providing the proposed services, review the documentation to ensure that the School System 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.
- b. By March 30, 2020 (if appropriate), the School System will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

The School System 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 School System understands that during the monitoring of this Agreement, if necessary, OCR may visit the School System, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the School System has fulfilled the terms and obligations of this Agreement. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The School System 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 School System written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/

Christina Byers, Community Superintendent
Name and Title (School System Superintendent or designee)

Date