

Resolution Agreement
Anne Arundel County Public Districts
OCR Docket Number 03191073

The U.S. Department of Education, Office for Civil Rights (OCR) and the Anne Arundel County Public Schools (the District) enter into this agreement to resolve the allegation in the above-referenced complaint. This agreement does not constitute an admission of liability or non-compliance 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), 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.

ACTION STEPS AND REPORTING REQUIREMENTS

1. The District acknowledges that:
 - a) Pursuant to the Section 504 regulation, at 34 C.F.R. § 104.4(a) as well as Title II, at 28 C.F.R. §35.130(a), no qualified individual shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives Federal financial assistance.
 - b) The District is obligated 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.
2. By September 1, 2019, the District shall distribute an email message to all educational staff and administrators at XXXXXXXXXXXXXXXXXXXX reminding them of the items set forth in Action Step 1(a) and (b) above.

Reporting Requirement: By September 15, 2019, the District will submit to OCR a copy of the email message issued along with a list of the School personnel, by name and title, who received the email message referenced in Action Step 2.

3. By July 1, 2019, the District will convene an IEP meeting, to include relevant educational specialists who have knowledge about the Student and the Student's disabilities, to determine whether the Student suffered any educational loss due to the District's alleged failure to provide special education or related aids/services to the Student XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX. If the IEP team determines that the Student suffered an educational loss, it will then determine whether the loss entitles the Student to compensatory education services. In making this determination, the IEP team will adhere to the requirements of 34 C.F.R. § 104.35 (evaluation and placement) and § 104.36 (procedural safeguards). The District will invite the Complainant to attend the IEP team meeting at least fifteen (15) days in advance of the meeting. The invitation to the IEP meeting will be sent by email and certified mail to the Complainant.

Reporting Requirement: By July 15, 2019, the District will provide OCR with documentation showing that the IEP meeting took place, including a copy of the invitation to the Complainant, a list of attendees by name and title, a copy of the procedural safeguards that were provided to the Complainant and the Student’s mother, and a copy of any meeting minutes or notes.

4. Within 15 calendar days of the meeting described in Action Step 2 above, the District will provide the Complainant with written notice of the outcome of the meeting, by email and certified mail to the Complainant’s address, including: a description of any educational loss, a description of any compensatory educational services to be provided, and the appropriate beginning and ending dates for these services, as applicable.

If compensatory educational services are determined to be necessary for the Student, the District will inform the Complainant and she must respond to the offer within 15 calendar days. The notice will also inform the Complainant of the applicable procedural safeguards, in accordance with the requirements of 34 C.F.R. § 104.36. If compensatory services are warranted, and the Complainant accepts the District’s offer, the District agrees to begin providing the services within fifteen (15) calendar days from the date of its receipt of the Complainant’s acceptance of the District’s offer.

If the IEP team determines that no educational loss occurred or that no compensatory services are necessary, the District will provide in its written notice a written explanation of its decision, along with a notice of the procedural safeguards.

Reporting Requirement: By July 15, 2019, the District will submit to OCR documents supporting the IEP Team’s decisions. 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 District’s decision and plan for providing the proposed compensatory 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.

By September 30, 2019, the District 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 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 and obligations of this Agreement. Upon District’s satisfaction of the commitments made under this Agreement, OCR will close the 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, 100.10), or judicial proceedings to

