



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  
KENTUCKY  
MARYLAND  
PENNSYLVANIA  
WEST VIRGINIA

**August 23, 2019**

**IN RESPONSE, PLEASE REFER TO: 03191134**

Dr. Monica E. Goldson, CEO  
Office of the Chief Executive Officer  
Sasser Administration Building  
Prince George’s County Public Schools  
14201 School Lane  
Upper Marlboro, MD 20772

[ceo@pgcps.org](mailto:ceo@pgcps.org)

Dear Dr. Goldson:

This is to notify you of the resolution of the complaint filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against the Prince Georges County Public Schools (the District). The Complainant, XXXXXXXXXXXXXXXXXXXX, alleged that the District retaliated against XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX discriminated against XXXXXXXXXXXXXXXXXXXX (the Student) on the basis of disability. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

XX – Paragraphs Redacted – XX

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. Section 504 prohibits 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. Title II prohibits discrimination on the basis of disability by public entities.

Section 504 and Title II also prohibit retaliation. As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to these laws and their implementing regulations. Hereafter you will be referred to as “the Complainant.”

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

**Legal Standards:**

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. Implementation of an Individualized Education Program (IEP) developed in accordance with the Individuals with Disabilities Education Act is one means of meeting this standard. 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.

The regulation implementing Title VI of the Civil Rights Act of 1964, at 34 C.F.R. § 107(e) prohibits retaliation against an individual who has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under Title VI. This provision is incorporated into the Section 504 implementing regulation at 34 C.F.R. § 104.61. The regulation implementing Title II includes a similar requirement.

**INVESTIGATION TO DATE**

The Student is a qualified individual with a disability who attended XXXXXXXXXXXXXXXX School and received special education services pursuant to an IEP during the 2018-2019 school year. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
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**CONCLUSION**

Under OCR procedures, a complaint may be resolved before the conclusion of an investigation if a recipient asks to resolve the complaint by signing a voluntary resolution agreement. The provisions of the agreement must be aligned with the complaint allegations and the issues investigated and be consistent with applicable regulations. Such a request does not constitute an admission of liability on the part of a recipient, nor does it constitute a determination by OCR of any violation of our regulations. Consistent with OCR's procedures, the District requested to resolve the issues in this complaint through a voluntary resolution agreement, which was executed on August 13, 2019. Accordingly, OCR is concluding its investigation of this complaint. A copy of the signed Agreement is enclosed. As is our standard practice, OCR will monitor the District's implementation of the Agreement.

This letter is not intended, nor should it be construed, to cover any other issues regarding the District's compliance with Section 504, Title II and their implementing regulations that may exist and are not discussed herein.

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, it will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, you may contact investigator Josh Galiotto at (215) 656-8587 or by email at [joshua.galiotto@ed.gov](mailto:joshua.galiotto@ed.gov).

Sincerely,

/s/

Joseph P. Mahoney  
Program Manager

CC: Shauna Battle, Esq.

Enclosure