

**Voluntary Resolution Agreement
Prince Georges County Public Schools (the District)
Complaint #03191188**

The U.S. Department Education, Office for Civil Rights (OCR) and the Prince Georges County Public Schools (the District) 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 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 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 District 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 District agrees to take the actions outlined below.

Action Items

1. By October 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 the Student incurred an educational loss as a result of the alleged failure to provide the Student with a reduced-distraction environment during a
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XXXXXXXXXXXXXXXXXXXXXXXXXXXX. 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, 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 November 30, 2019.

The District 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 District 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 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.

- b. By November 30, 2019 (if appropriate), 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).
2. By September 30, 2019, the District will provide all administrative, instructional and support staff at the XXXXXXXXXXXXXXXX with written notice regarding the obligation under Section 504 to provide eligible students with disabilities with a free, appropriate public education (FAPE) and the prohibition of discrimination on the basis of disability.

Reporting Requirement: By November 30, 2019, the District shall provide OCR with proof of the distribution of the written notice described in Action Step 2, including a copy of the notice and description of how the notice was distributed.

The District understands that by signing the resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the District understands that during the monitoring of the resolution 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 the resolution agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/
Name and Title (District CEO or designee)

9/13/19
Date