

**Voluntary Resolution Agreement
Anne Arundel County Public Districts
OCR Docket Number 03191366**

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 Allegation #1 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 recognizes its obligation under the regulation implementing Section 504, at 34 C.F.R. § 104.33, to provide a free appropriate public education to each qualified student with a disability in its jurisdiction. In addition, the District recognizes its obligations under Section 504 at 34 C.F.R. § 104.33 to fully implement education programs (including Individualized Education Programs and Section 504 Plans) for students with disabilities. By June 1, 2020, the District will distribute a memorandum to all administrators, faculty, and staff members at the XXXXXXXXX XXXXXXXXXX (the Middle School), reminding them of the above requirements.

Reporting Requirement: By July 1, 2020 the District will provide OCR with written confirmation that it has completed Action Step 1, including providing a copy of the memorandum and describing how and when it was distributed.

2. By June 1, 2020, the District will convene a multi-disciplinary team 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 accommodations required by the Student's Section 504 plan during the 2018-19 and 2019-20 academic years. If the multi-disciplinary 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 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 Student's parents to attend the team meeting at least ten (10) days in advance of the meeting.

Reporting Requirement: By July 1, 2020, the District will provide OCR with documentation showing that the team meeting required by Action Item 2 took place, including a copy of the invitation to the Student's parents, a list of attendees by name and title, confirmation that the procedural safeguards were provided to Student's parents, and a copy of any meeting minutes or notes.

3. Within 15 calendar days of the meeting described in Action Step 2 above, the District will provide the Student’s parents with written notice of the outcome of the meeting, 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 Student’s parents and they must respond to the offer within 15 calendar days. The notice will also inform the Student’s parents of the applicable procedural safeguards, in accordance with the requirements of 34 C.F.R. § 104.36. If compensatory services are warranted, and the Student’s parents accept 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 acceptance of the District’s offer.

If the multi-disciplinary team determines that no educational loss occurred or that no compensatory services are necessary, the District will provide in its written notice to the Student’s parents a written explanation of its decision, along with a notice of the procedural safeguards.

Reporting Requirement: By July 1, 2020, the District will submit to OCR documents confirming that it has complied with Action Step 3, including a copy of the written notice to the Student’s parents and a description of and schedule for providing any compensatory education services, if applicable, to the Student.

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 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 District’s representative below.

/s/
Superintendent or Designee

2/24/2020
Date