

**RESOLUTION AGREEMENT**  
**Frederick County Public Schools**  
***OCR Case No. 03-19-1370***

The U.S. Department of Education, Office for Civil Rights (OCR) and the Frederick County Public Schools (the District) enter into this Agreement (Agreement) to resolve the above-referenced complaint. This Agreement does not constitute an admission of liability 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) and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act (Title II) and its implementing regulation at 28 C.F.R. Part 35.

Prior to the completion of OCR's investigation, the District agreed to resolve this complaint pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the District agrees to take the following actions.

**1. Memorandum to Staff**

The District ensures that its staff are aware of the District's obligation to respond to complaints of disability discrimination pursuant to the Section 504 regulation at 34 C.F.R. § 104.7(b). The District also recognizes its obligation under 34 C.F.R. § 104.33 to provide a Free and Appropriate Public Education (FAPE) to each qualified student with a disability in its jurisdiction.

Within 30 days of signing this Agreement, the District will issue a memorandum to all District nursing staff and County employees responsible for health services in District schools, notifying them of the following:

1. The District's responsibility to respond to complaints of disability discrimination. The memorandum will provide links to the District's policies regarding disability discrimination, as well as its grievance procedures for resolving complaints of disability discrimination.
2. The District's obligation to provide a FAPE to each qualified student with a disability, which includes implementing each student's Section 504 Plan or Individualized Education Program (IEP), and of the procedural requirements of 34 C. F. R. §§104.34-104.36 pertaining to educational setting, evaluation and placement, and due process protections.

The District will require that the recipients of these emails confirm that they have reviewed the information contained in the memorandum, via an automated response from these staff members (Google Forms or similar).

**Reporting Requirement:**

Within 60 days of signing this Agreement, the District will provide OCR with a copy of the memorandum required by Action Step #1 and documentation demonstrating that it

has been distributed, including the method of distribution. The District will also provide documentation showing the District directed District staff and advised County staff to review the communication, with the understanding County staff are not District employees.

## 2. Section 504 Coordinator

Within 60 days of signing this Agreement, in accordance with the Section 504 regulation at §104.8(a), the District will ensure that notice of the District's Section 504 Coordinator and how to contact the individual is available on the District's website and in the District's published policies and publications.

### Reporting Requirement:

Within 60 days of signing this Agreement, the District will provide OCR with a link to its website providing notice of the District's Section 504 Coordinator.

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.

By: /s/ Date: 1/28/2021  
Superintendent/designee  
Frederick County Public Schools