

Voluntary Resolution Agreement
Baltimore County Public Schools
OCR No. 03201075
Philadelphia Office

The U.S. Department of Education, Office for Civil Rights (OCR) and Baltimore County Public Schools (the School System) enter into this Voluntary Resolution Agreement (Agreement) to resolve the allegation in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the School System. Prior to the completion of OCR's investigation, the School System agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual (CPM).

The School System assures OCR that, to resolve the issues of this investigation, 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. By October 15, 2020, the School System will convene a multidisciplinary team (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 and/or is entitled to compensatory education or remedial services due to the School System's alleged failure to implement the Student's 504 Plan for the 2019-2020 school year.

The School System will invite the Student's parents to attend the meeting at least 15 calendar days in advance of the meeting and will allow the Complainant seven (7) calendar days, from the date of receipt of the letter, to submit a written response to the invitation.

Specifically, the Team will review whether the Student suffered educational loss because of the School System's alleged failure to provide him preferential seating and chunking of all assignments, including homework assignments. If the Team determines that the Student suffered 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 School System will provide the Complainant with a meaningful opportunity to provide input into the Team's determination.

If the Team determines that the Student is entitled to compensatory education or services, the Team will develop a plan for providing the required education or services, and the School System will provide such education or services in addition to any other service to which the Student is entitled.

Reporting Requirement: By November 2, 2020, the School System will submit for OCR's review and approval, documentation reflecting the Team's decision and showing that the meeting required by Action Item 1 took place. Before approving the School System's decision and plan for providing any proposed services, OCR will review the documentation to ensure that the School System met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.35 and 104.36, in making its determination. The documentation submitted shall include: a copy of the invitation to the Complainant; a list of attendees by name and title; the information considered by the Team; an explanation for all decisions made, including the Team's decision as to whether the Student suffered an educational loss; a description of the types of compensatory education or other remedial service options discussed, if applicable; a description of and schedule for providing compensatory and/or remedial services to the Student for educational loss (if any); confirmation that the procedural safeguards were provided to the Complainant; and a copy of any meeting minutes or notes.

2. Within 15 calendar days of OCR's approval of the Team's decision described in Action Step 1 above, the School System will provide the Complainant 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 School System will inform the Student's parents and provide 15 calendar days to respond to the offer. 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 School System's offer, the School System agrees to begin providing the compensatory services within 15 calendar days from the date the Student's parents accept the School System's offer.

If the Team determines that no educational loss occurred or that no compensatory services are necessary, the School System 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 December 18, 2020, the School System will submit to OCR documents confirming that it has complied with Action Step 2, including a copy of the written notice to the Student's parents and, if applicable, a description of and schedule for providing any compensatory education services to the Student.

The School System 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 School System understands that during the monitoring of this Agreement, if necessary, OCR may visit the School System, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the School System has fulfilled the terms and obligations of this Agreement. Upon the School System's satisfaction of the commitments made under this Agreement, OCR will close the case.

The School System 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 School System written notice of the alleged breach and 60 calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the School System's representative below.

/s/

Superintendent or Designee

8/7/2020

Date