

RESOLUTION AGREEMENT
Prince George's County Public Schools
OCR Case No. 03-21-1047

Prince George's County Public Schools (the District) agrees to resolve the above-referenced complaint by voluntarily entering into this Resolution Agreement (Agreement) with the U.S. Department of Education (Department), Office for Civil Rights (OCR). 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 ensure compliance with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 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 raised in this complaint pursuant to Section 302 of OCR's *Case Processing Manual*. OCR has made no final determinations of noncompliance by the District. However, to ensure compliance with Section 504 and Title II and resolve this complaint, the District agrees to take the following actions:

Action Steps

1. Within 45 days of signing this agreement or at the Student's next reevaluation, whichever is earlier, the District will reevaluate the Student, consistent with Section 504 and its implementing regulation, at 34 C.F.R. § 104.35(d), to determine the Student's ability to participate in extracurricular activities with special education supports. In conducting the reevaluation, the District will consider whether it should modify any rules or policies to permit the Student to participate in extracurricular activities. The District will make reasonable modifications to any rules or policies that are necessary to avoid discrimination on the basis of disability, unless the District can demonstrate that making the modifications would fundamentally alter the nature of the extracurricular athletic program or activity. Extracurricular activities include but are not limited to physical recreational activities, special interest groups, and clubs taking place at the Children's Guild, the Student's current agreed upon placement, or at High Point High School, the Student's neighborhood school.
2. Within 30 days from completion of the reevaluation of the Student, the District shall convene the Student's IEP team, including the Student's parents, to discuss the results of the reevaluation, specifically with regard to the Student's participation in extracurricular activities with special education supports. The District will invite the Student's parents to attend the team meeting at least ten (10) days in advance of the meeting and will ensure that the Student's parents receive a copy of the completed reevaluation for review prior to the IEP

meeting. The decision whether to modify a rule or policy to enable the Student’s participation in extracurricular activities will be individualized, made by a group of persons knowledgeable about the Student and the available placement options, and will take into account the nature of the Student’s disability and the purpose or reason for the rule or policy. The District will make reasonable modifications to its rules and policies to ensure that the Student has access to extracurricular programs, unless it can demonstrate that making the modifications would fundamentally alter the nature of the extracurricular program or activity and will consider if there are alternatives available that would allow the Student to engage in the program but not fundamentally alter the nature of the extracurricular activity. The District will ensure that it documents the team’s discussion, including input from the Student’s parents, of the reevaluation, its decision regarding any extracurricular activities identified as appropriate for the Student and the specific supports and services which will be provided to the Student to participate in the identified program or activity. In making this determination, the team will adhere to the Section 504 requirements found at 34 C.F.R. § 104.35 (evaluation and placement) and § 104.36 (procedural safeguards).

Reporting Requirements

1. By August 6, 2021, the District will certify to OCR that it completed the reevaluation of the Student and will provide all reevaluation materials to OCR.
2. By August 6, 2021, the District shall certify to OCR that it held the required IEP team meeting(s) by providing the Student’s revised IEP, along with minutes from the meeting(s) and any other documents used at the IEP meeting specifically related to the discussion of the Student’s participation in extracurricular activities. OCR will review the documentation submitted to ensure that the District met the procedural and other requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations.

The District understands that by signing this resolution agreement (the Agreement), it agrees to provide data and other 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 the District’s satisfaction of the commitments made under this Agreement, OCR will close this case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this 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.

This Agreement will become effective immediately upon the signature of the District’s representative below.

By: /s/_____ Date: May 10, 2021_____

Trinell M. Bowman, Associate Superintendent, Department of Special Education
Prince George’s County Public Schools