

RESOLUTION AGREEMENT
Prince George's County Public Schools
Case Number 03221066

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's 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.

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 AND REPORTING REQUIREMENTS

1. The District acknowledges its obligation to provide a free appropriate public education (FAPE) to each qualified individual with a disability within its jurisdiction in accordance with Section 504 at 34 C.F.R. § 104.33, and Title II at 28 C.F.R. § 35.130, including adherence to the requirements of 34 C.F.R. § 104.35 (evaluation and placement) and § 104.36 (procedural safeguards).
2. Within thirty-five (35) calendar days of signing this agreement, the District will convene a Section 504 meeting to determine whether the Student suffered an educational loss due to the District's alleged failure to evaluate the Student in a timely manner during the 2020-2021 school year. The Section 504 meeting will include the Student's parent and the Complainant and other individuals knowledgeable about the Student, the evaluation data, and placement options. The District will invite the Student's parent, in writing via certified mail as well as by email, to attend the Section 504 meeting, at least fifteen (15) days in advance of the meeting, unless the Student's parent agrees to waive this requirement. If the District determines that the Student suffered an educational loss and/or was denied a FAPE due to the delay in evaluating her, the District will assess whether the Student requires any compensatory or remedial services as a result, and develop a schedule for implementing the services, as appropriate. 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 ensure that accurate meeting minutes are kept to document this meeting, including documenting information considered from all sources and all decisions made by the team.

3. Within fifteen (15) calendar days after the meeting, the District will provide the Student's parent with written notice, by certified mail and email, of the outcome of the meeting. If it is determined that an educational loss occurred during the 2020–2021 school year and compensatory education or other remedial educational services will be provided to the Student, the written notice will provide:
 - a. a description of the compensatory and/or remedial educational services to be provided;
 - b. the subject areas covered;
 - c. the amount of services;
 - d. where and when the services will be provided, including the appropriate beginning and ending dates for the services;
 - e. and any transportation that will be provided to the Student in conjunction with these services.

The compensatory education or other remedial services shall be delivered in a manner so as not to hinder the delivery of any services that are required by the Student's current educational program. If the Section 504 team determines that no educational loss occurred, the District will provide an explanation of its decision to the Student's parent, including the basis for its decision, along with a notice of the procedural safeguards, including the right to challenge the Team's determination through an impartial due process hearing.

Reporting Requirement:

Within **21 days** of the Section 504 team meeting required by Action Step #2 and the decision as to whether the Student requires compensatory and/or other remedial services, the District shall certify to OCR that it held the required Section 504 meeting and will submit to OCR the minutes from the meeting and any other documents concerning the team's decision regarding whether the Student suffered an educational loss and requires compensatory educational services. OCR will review the documentation submitted to ensure that the District has met the procedural and other requirements of the Section 504 implementing regulation, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations. The documentation submitted shall include:

- A. the written offer sent to the Student's parent for the placement team meeting;
- B. a list of meeting participants;
- C. the information considered by the placement team;
- D. an explanation for all decisions made, including the team's decision as to whether the Student suffered an educational loss;
- E. a description of the types of compensatory education or other remedial service options discussed;

- F. a description of and schedule for providing compensatory and/or other remedial services the Student for educational loss (if any);
- G. the notice of procedural safeguards provided to the Student's parent; and
- H. a copy of the meeting minutes.

If the District determines that the Student is eligible to receive compensatory and/or other remedial services, the District will provide documentation to OCR of the dates, times, and locations that the services were provided, a description of what was provided, and the name(s) of the service provider(s) within 15 days of the conclusion of services.

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 recipient understands that during the monitoring of the resolution agreement, if necessary, OCR may visit the recipient, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms and obligations of the resolution agreement and is in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 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. § 12131, and its implementing regulation, at 28 C.F.R. Part 35, that were at issue in this case. Upon the recipient's satisfaction of the terms and obligations of the resolution agreement and is in compliance with Section 504 and its implementing regulation, at 34 C.F.R. Part 104, and Title II and its implementing regulation, at 28 C.F.R. Part 35 that were at issue in this case, 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/

6/28/2022

Chief Executive Officer or Designee
Prince George's County Public Schools

Date