

**Voluntary Resolution Agreement  
Frederick County Public Schools  
OCR Complaint# 03221423**

The U.S. Department of Education, Office for Civil Rights (OCR) and the Frederick County Public Schools (the District) enter into this Agreement to resolve the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. 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. 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), 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. § 12131-12134, 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.

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).

**ACTION STEPS AND REPORTING REQUIREMENTS**

1. By May 30, 2023, the District will reconvene the Student’s Section 504 Team (the Team), consisting of persons knowledgeable about the Student, including the Student’s parent(s), and knowledgeable staff from the Student’s former school and current school, to make the determinations identified below in Action Steps 1.a.-c. The District will provide the Student’s parent(s) a meaningful opportunity to provide input into the determinations, written notice of the determinations made, and notice of the procedural safeguards available to them under the Section 504 implementing regulations at 34 C.F.R. § 104.36, including the right to challenge such determinations through an impartial due process hearing.

Specifically, the Team will:

- a. Discuss the medical recommendations from the Student’s physicians XXXXXXXX  
XX, through the date of the 504  
team meeting, and amend the Student’s Section 504 Plan (504 Plan) XXXXXXXX  
XXXXXXXXXX if the Team determines that the current 504 Plan and HCP are not  
effectively preventing the Student from experiencing XXXXXXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXXXXXXXXXX. Such amendments would include additional supports  
and strategies the Team decides are appropriate to prevent the Student from  
XXXXXXXXXXXXXXXXXXXXXXXXXXXX at school.
- b. Determine whether the District has failed to implement the Student’s Section 504 Plan  
XXXXXX during the XXXXXXXX school year, and whether that has resulted in an  
educational loss; and

- c. Determine whether any compensatory education and/or other remedial services for the Student are necessary XXXXXXXXXXXXXXXX, through the date of the 504 team meeting required by this Agreement. The Team will consider the number of absences the Student accumulated XX XXXXXXXX, in addition to whether the District failed to implement his Section 504 Plan XXXXX and determine whether it constituted an educational loss. The Team will develop a written plan for providing the Student with the compensatory education and/or other remedial services, if deemed necessary. Any such plan will identify the nature and amount of the services to be provided at no cost to the Student’s parent(s), by whom, and when, and will become a part of the Student’s Section 504 Plan.

**Reporting Requirement:** By June 15, 2023, the District will provide OCR with documentation showing implementation of Action Step 1 above, including: the names and titles of the individuals who attended the Section 504 meeting; a copy of any meeting minutes; a copy of the Student’s 504 Plan; XXXXXXXXXXXXXXXXXXXX; a copy of any plan for compensatory education and/or other remedial services developed for the Student; documentation of any input provided by the Student’s parent(s), and showing that procedural safeguards were provided to them; and any other documentation relevant to the determinations reached in accordance with Action Step 1 above. If the Team determines that the Student’s current 504 Plan XXXXX do not need to be amended and/or determines that compensatory education and/or other remedial services for the Student are not necessary, the District will provide a written explanation for the determination(s), along with supporting documentation. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504 at 34 C.F.R. §§ 104.34, 104.35, and 104.36.

As applicable, by September 30, 2023, the District will provide OCR with documentation of the dates, times, and locations that compensatory education and/or other remedial services, if required, were provided, a description of what was provided, and the name(s) of the service provider(s).

2. Within 5 business days of the Section 504 Team meeting, the District will provide the Student’s parent(s) with a copy of the Section 504 Plan XXXXX, and if applicable, a copy of any written plan for providing the Student with compensatory education and/or remedial services, and written notification of the Team’s decision with regard to Action Steps 1.a.- c. above.

**Reporting Requirements:** By June 15, 2023, the District will provide OCR with documentation showing implementation of Action Step 2 above, including a copy of any notification sent to the Student’s parent(s) pursuant to Action Step 2 above.

3. Within 5 business days of the Section 504 Team meeting, the District will provide a copy of the Student’s 504 Plan XXXXX to: School administrators at the Student’s current school (i.e., the school principal, assistant principal, etc.); the District’s special services director; the Student’s teachers; the Student’s substitute teachers; and all other relevant District staff (e.g., lunchroom staff, health aide, etc.). The District will obtain signatures from all District personnel acknowledging receipt of the Student’s 504 Plan XXXXX.

**Reporting Requirement:** By September 15, 2023, the District will provide OCR with documentation showing implementation of Action Step 3 above, including: verification of the

date the District provided a copy of the Student’s 504 Plan XXXXX to administrators, the District’s special services director, the Student’s teachers, the Student’s substitute teachers, and all other relevant District personnel (please identify each staff member by name and title); and a copy of the signatures obtained from District personnel acknowledging receipt of the Student’s Section 504 Plan XXXXX (please identify each signature by name and title).

4. By August 30, 2023, the District will provide training on the requirements of the Student’s XXX to: School administrators (*i.e.*, the school principal, assistant principal, etc.); the School’s special services director; the Student’s teachers; and District staff responsible for implementing the Student’s 504 Plan XXXXX (e.g., lunchroom staff, health aide, etc.).

**Reporting Requirement:** By September 15, 2023, the District will provide OCR with documentation showing implementation of Action Step 4 above, including: the name(s) and title(s) of the trainer(s); the date(s) and time(s) of the training(s); copies of the agenda and any training materials distributed; and sign-in sheets, indicating name(s) and job title(s).

By signing the Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. 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 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, 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, that were at issue in this case. Upon the District's satisfaction of the terms and obligations of the Resolution Agreement and is in compliance with Section 504 and its implementing regulation, 34 C.F.R. Part 104, and Title II and its implementing regulation, 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 proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statutes and regulations. Before initiating such proceedings, OCR will give the District 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 District’s representative below.

\_\_\_\_\_/s/\_\_\_\_\_  
Superintendent or Designee

\_\_\_\_\_/5/12/2023\_\_\_\_\_  
Date