

Voluntary Resolution Agreement
Cecil County Public Schools
OCR No. 03231007
Philadelphia Office

The U.S. Department of Education, Office for Civil Rights (OCR) and Cecil County Public Schools (the District) enter into this Voluntary Resolution Agreement (Agreement) to resolve the allegations in 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 the allegations in this complaint pursuant to Section 302 of OCR's Case Processing Manual (CPM).

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), 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 STEP 1 AND REPORTING REQUIREMENTS

Within 30 days of signing this agreement, the District will convene a multidisciplinary team (Team) meeting to include relevant educational specialists who have knowledge about the Student, to determine whether the Student suffered any educational loss as a result of the District's alleged failure to timely respond to the Complainant's request for an evaluation of the Student.

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

If the Team determines that the Student suffered an 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 District will provide the Student's parents 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 District will provide such education or services in addition to any other service to which the Student is entitled.

Reporting Requirement:

1. Within 45 days of signing this Agreement, the District will submit, for OCR’s review and approval, (i) documentation reflecting the Team’s decision and showing that the meeting required by Action Item 1 took place.

Before approving the District’s decision and plan for providing any proposed services, OCR will review the documentation to ensure that the District 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. a copy of the invitation to the Student’s parents;
 - b. a list of attendees by name and title;
 - c. the information considered by the 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, if applicable;
 - f. a description of and schedule for providing compensatory and/or remedial services to the Student for educational loss (if any);
 - g. confirmation that the procedural safeguards were provided to the Student’s parents; and
 - h. a copy of any meeting minutes or notes.
2. Within 14 calendar days of OCR’s approval of the Team’s decision described in Action Step 1 above, the District will provide the Student’s parents 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.
 3. Within 30 days of OCR’s approval of the Team’s decision described in Action Step 1, the District will submit to OCR documents with respect to compensatory education, in accordance with the following:
 - a. If compensatory educational services are determined to be necessary for the Student, the District 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 parents accept the District’s offer, the District agrees to begin providing the compensatory services within 15 calendar days from the date the Student’s parents accept the District’s offer.
 - b. If the Team determines that no educational loss occurred or that no compensatory services are necessary, the District 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.

ACTION STEP 2 AND REPORTING REQUIREMENTS

Within 30 days of signing this Agreement, the District will issue a written memorandum for all staff at North East High School regarding its Child Find responsibilities, including the District’s obligation to: identify and locate every qualified individual with a disability, regardless of whether a parent/guardian asks for an evaluation; conduct an evaluation of any student who needs or is believed to need special education or related aids and services because of disability; and take appropriate steps to notify the parents/guardians of such individuals of the District’s duties related to the provision of a free appropriate public education.

Reporting Requirement:

Within 45 days of signing this Agreement, the District will submit to OCR a copy of the memorandum issued along with a list of the School personnel, by name and title, who received the email message referenced in Action Step #2.

ACTION STEP 3 AND REPORTING REQUIREMENTS

Within 45 days of signing this agreement, the District will provide training to all administrators, guidance counselors, and staff involved in the special education referral process at North East High School regarding the District’s Child Find obligations and its special education referral process under Section 504, including all members of the Student’s Section 504 Team. The training will include information on the District’s obligations under 34 C.F.R. 104.35(a) to conduct an evaluation of any person who needs or is believed to need special education or related services due to disability, with emphasis on related services and examples of them. The training will also include the requirement that mitigating measures (such as medication) must not be considered in determining if a person is an individual with a disability.

Reporting Requirement

Within 60 days of signing this Agreement the District will submit to OCR the following documentation: the date(s) of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, sign-in sheets evidencing the District employees who attended the training, a list of the required District employees who did not attend, and a plan for providing follow-up for those employees who did not attend, as needed.

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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 the 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 of the Agreement.

The District understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the District is in compliance with the terms of this Agreement and with Section 504, Title II, and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this case.

The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms of the Agreement and the applicable statute(s) and regulation(s). 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

2/24/2023
Date