

**RESOLUTION AGREEMENT**  
**Frederick County Public Schools**  
***OCR Case No. 11-17-1448***

Frederick County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-17-1448. This Agreement does not constitute an admission by the Division of a violation of Title VI of the Civil Rights Act of 1964 (Title VI), Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

**INDIVIDUAL REMEDY**

1. By January 30, 2018, after providing proper written notice to the Student's parent/guardian, the Division will convene a team of persons knowledgeable about the Student, making all reasonable efforts to include the parent/guardian, with the purpose of meeting to review the Student's evaluation and related documents and determine if the Student needs special education or related aids and services. The team will document and carefully consider information from a variety of sources. If the team determines that the Student needs special education or related aids and services, the team will develop a plan for providing compensatory and/or remedial services to the Student for the time period the Division failed to evaluate the Student, from XXXX until the date of the evaluation. The team will consider the impact of not evaluating the Student and will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond August 1, 2018. The Division will provide the Student's parent/guardian with notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

**Reporting Requirements:**

Within two weeks of conducting the meeting, the Division will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation for decisions, notice of procedural safeguards, the written invitation to the Student's parent/guardian, and a list of meeting attendees. OCR will review the documentation submitted to ensure that the Division 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 Division will respond to OCR's concerns, if any, within 15 calendar days after receiving notice of OCR's concerns.

If the Student is found eligible for special education or related aids and services, then by August 1, 2018, the Division will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

2. By December 15, 2017, the Division will notify the Complainant that it will reimburse the Complainant for the out-of-pocket cost of the evaluation conducted in XXXX by XXXX once it receives documentation of the amount paid by the Complainant. Within 30 days of receiving the documentation of the Complainant's out-of-pocket cost, the Division will reimburse the Complainant.

**Reporting Requirement:**

Within 15 days of reimbursing the Complainant, the Division will provide OCR with proof of payment documentation.

**POLICIES/PROCEDURES & TRAINING**

3. By February 1, 2018, the Division will review and revise its Special Education Policies and Procedures to ensure students are timely evaluated and referred for special education and related aids or services.

**Reporting Requirement:**

The Division will submit revised draft Special Education Policies and Procedures to OCR for OCR's review, comment and approval.

4. By September 1, 2018, OCR will provide the Division's Section 504 Coordinators and school principals and assistant principal training on the eligibility, evaluation, manifestation determination review, and free appropriate public education (FAPE) requirements of Section 504.

September 1, 2018, the Division will provide to the School's principal, assistant principals, guidance counselors, and teachers training on the eligibility, evaluation, the use of medical documentation for diagnosis when determining whether to refer for special education or related aids or services, and FAPE requirements of Section 504. The training will also explain that intervention strategies developed in the Child Study Process are not a substitute for accommodations nor a reason to delay or refuse to refer a student for special education and related aids or services.

5. By September 1, 2018, the Division will provide trainings to the School's administrators and staff. The trainings will include but not be limited to reviewing the School's referral process and classroom management policies, practices, and procedures and discussing the School's commitment to using its policies to ensure a safe and orderly educational environment and the fair and equitable treatment of all students when addressing student behavior. The trainings will provide evidence-based techniques on classroom management and de-escalation approaches, including restorative justice and positive behavior interventions, information on how to administer discipline fairly and equitably, the concept of implicit bias and corresponding techniques to ameliorate implicit bias, resources that are available to staff who are having difficulty with classroom management, resources that are available to students to assist them in developing self-management skills, and the value of recognizing and reinforcing positive student behavior.

**Reporting Requirement:**

Within thirty days of each training, the Division will provide OCR the name and resume of the individual providing the training. Within fifteen days of the training, the Division will provide OCR the training materials for approval.

Within two weeks of conducting each training, the Division will provide OCR with the sign-in sheets of the individuals who attended the training.

The Division understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the Division understands that during the monitoring of this Agreement, OCR may visit the Division, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Division has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504, and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which was at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close this case.

The Division 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 Division written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

By: \_\_\_\_\_  
          /s/  
Printed Name and Title

\_\_\_\_\_  
          /s/  
Signature

\_\_\_\_\_  
12/20/2017  
Date