

**Resolution Agreement
Howard County Public Schools
OCR Docket Number 03141211**

In order to resolve the allegations in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act of 1990 (Title II) and their implementing regulations, at 34 C. F.R. part, Howard County Public Schools (the District) commits to implement the provisions set forth in this Resolution Agreement (Agreement).

Section 504 Plans

1. The District recognizes its obligation under the regulation implementing Section 504 at 34 C.F.R. § 104.33 to provide a free appropriate public education (FAPE), including the development and implementation of Section 504 plans, to each qualified student with a disability in its jurisdiction.
2. By December 1, 2015, the District will send a memorandum to all certificated staff and administrators at XXXXX XXXX XXXX XXXXXX XXX XXXXXX reminding them of their obligation to provide a FAPE to each qualified student with a disability in its jurisdiction. The memorandum will also emphasize that Section 504 and Title II prohibit discrimination on the basis of disability, including harassment based on disability.

Reporting Requirement: By December 15, 2015, the District will submit to OCR documentation demonstrating that it distributed the memorandum referenced in Action Step #2 above, including the list of personnel, with name and title, who received the memorandum, for OCR's review and approval.

Disability Harassment Policies and Procedures

3. By January 1, 2016, the District will submit for OCR's review and approval its Section 504 grievance procedures to ensure they incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any prohibited actions under Section 504, in accordance with 34 C.F.R. § 104.7(b). As part of this process, the District will review and revise, as necessary, all complaint procedures that can be used for filing disability discrimination complaints to ensure that there is a clear and consistent process. The District's Section 504 grievance procedures will contain, at a minimum, the following elements:
 - a. notice to students, parents, and employees of the procedure, including how and where to file a complaint;
 - b. application of the procedure to complaints alleging disability discrimination carried out by students, employees, or third parties;

- c. adequate, reliable, and impartial investigation, including the opportunity to present witnesses and other evidence;
 - d. designated and reasonably prompt timeframes for the major stages of the complaint process;
 - e. notice to the parties of the outcome of the complaint, and the basis for the decision; and
 - f. an assurance that the District will take steps to prevent the recurrence of any prohibited actions and to correct its discriminatory effects on the complainant and others, if appropriate.
4. Within 90 calendar days of written approval from OCR that the District's Section 504 grievance procedures are consistent with the requirements in Section 504, the District will adopt and implement the procedures and will provide all students, parents/guardians and employees with written notice regarding the new procedures for addressing and resolving complaints alleging disability discrimination together with information on how to obtain a copy of the procedures. The District, at a minimum, will make this notification through its website, electronic mail messages to employees and students, and any regularly issued newsletters (in print or online), as well as by any other additional means of notification the District deems effective to ensure that the information is widely disseminated.

Reporting Requirements: Within 100 calendar days of OCR's approval of the Section 504 grievance procedures, the District will provide OCR with documentation demonstrating that it has implemented Action Step 4 of the Agreement, including copies of the written notices issued to students, parents and employees regarding the new Section 504 grievance procedures and a description of how the notices were distributed; and a link to its webpage where the policy and student and employee handbooks are located.

Training

5. Within 90 days of OCR's approval of the Section 504 grievance procedures, the District will provide training to certificated School staff and administrators on the District's revised Section 504 grievance procedures. The training will also remind certificated staff and administrators of their obligation to provide a FAPE to each qualified student with a disability in its jurisdiction, and that Section 504 and Title II prohibit discrimination on the basis of disability, including harassment based on disability.

Reporting Requirements: Within 90 days after OCR's approval of the District's Section 504 grievance procedures, the District will provide OCR with a copy of its proposed training, including a copy of any materials to be utilized and distributed as part of the training, the identification of the individual who will oversee the training, and his/her credentials.

Within 120 days of OCR's approval of the District's proposed training, the District will provide documentation demonstrating implementation of Action Step 5 of the Agreement. Specifically, the District will provide OCR with documentation that it provided the training in accordance with Action Step #5, information/credentials regarding the employee overseeing the training, documentation of the electronic sign-in of the employees who took the training, including names and titles, topics covered during the training, and copies of the materials used in the training.

The District understands that by signing this 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, 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 this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.7(b) and 104.33, which were at issue in this case.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.7(b) and 104.33, which were at issue in this 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 and 100.10) or judicial proceeding to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

10/19/15

Superintendent or Designee

Date