



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

June 15, 2026

Sent via email only to: superintendent@fcps.org

Dr. Cheryl L. Dyson
Superintendent
Frederick County Public Schools

RE: Frederick County Public Schools (MD) – OCR Case Number 03-26-1199

Dear Dr. Dyson:

This letter is to notify you of the disposition of the U.S. Department of Education (Department), Office for Civil Rights (OCR) investigation of the above-referenced complaint against the Frederick County Public Schools (District) alleging discrimination based on disability.

Specifically, the complaint alleges that, during the 2025-2026 school year, the District discriminated against an elementary school student (Student A) at [redacted content] (School) based on disability when, on [redacted content]:

- 1) a staff member inappropriately restrained Student A; and
- 2) school personnel failed to implement provisions of Student A's Section 504 Plan that required them to contact available personnel when Student A becomes dysregulated and contact Student A's parents immediately if Student A falls or has significant contact to his spine.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulations at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of federal financial assistance. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulations at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a recipient of federal financial assistance and a public entity, the District is subject to these laws.

OCR investigated the complaint by reviewing documents and information submitted by the Parent and the District. During the course of the investigation, OCR clarified the issues for investigation. OCR investigated whether the District responded appropriately to alleged disability harassment of Student A consistent with the requirements of Section 504 and Title II; and whether the District provided Student A a free and appropriate public education (FAPE) as required by Section 504.

Prior to the completion of OCR's investigation, the District expressed interest in resolving the complaint pursuant to Section 302 of OCR's [Case Processing Manual \(CPM\) \(Feb. 19, 2025\)](#). Discussions between OCR and the District resulted in the District's signing the enclosed Resolution Agreement (Agreement), which, when fully implemented, will resolve the allegations and issues raised in the complaint.

Facts

In the 2025-2026 school year, Student A is a [redacted content]-grade student at [redacted content] (School). Student A has [redacted content] and receives services under a Section 504 plan dated [redacted content]. Student A's Section 504 plan includes, in relevant part, for School staff to contact available staff, such as the Counselor, when Student A becomes dysregulated and to use specific strategies to help regulate him; and, [redacted content]. Student A does not have a behavior intervention plan (BIP).

The Parent alleged, on [redacted content], a staff member (Teacher A) "physically restrained" Student A by his arm and shoulder during lunch in the cafeteria because he would not comply with her request to take off his hood from his head. The Parent told OCR that Student A uses his hood to hide when feeling dysregulated and stated that Teacher A failed to implement provisions of Student A's Section 504 plan that requires staff to use regulation techniques to help Student A during those times. The Parent further reported to OCR that, after the incident in the cafeteria, a staff member told Student A he had to sit against the wall in recess as a punishment. She explained that Student A refused and ran off to the top of the playground equipment. The Parent said School staff called her to school because Student A would not come down from the playground equipment and, when she arrived, the Assistant Principal brought Student A out to her and explained there was an incident at lunch but did not provide further details. The Parent said Student A later told her that Teacher A hurt him at lunch, and she observed that Student A had a bruise on his forearm. The Parent told OCR and the School that, since the incident, Student A has become more dysregulated, had more emotional outbursts, and has eloped more frequently from his classes.

The Parent filed a complaint with the District on [redacted content], regarding the incidents on [redacted content]. The District's Coordinator of Behavior Supports and Compliance (Investigator) investigated the Parent's complaint by reviewing video footage and interviewing the Parent and relevant staff. The Section 504 Coordinator investigated the Parent's complaint of a failure to implement the Section 504 plan by reviewing Student A's Section 504 documentation and interviewing the Parent and relevant staff. OCR reviewed the notes of the investigation and the video footage of the incident.

The District's investigation revealed that a Classroom Teacher noticed that Student A left his lunch tray on the table, so she told him to throw his food away and return the tray. She said, when Student A did not respond, she guided Student A away from the other students to ask him why he had not put his food away. The Classroom Teacher said Student A then "shut down," put his hood over his head, and she asked him to put his hood down, but he did not respond. Teacher A, who was supervising lunch but did not know Student A and was not aware of his Section 504 plan, then inserted herself in the conversation. Teacher A said, "[w]hen a teacher tells you to do something, you do it." Teacher A was trying to get Student A to take his hood off and physically touching his wrists and trying to pull Student A's hood off herself. There was some physical

back and forth between Student A and Teacher A. The Classroom Teacher said she was telling Teacher A to back away from Student A and to stop pulling his hood off his head. The Classroom Teacher said she called for support on the walkie-talkie and then went to the front office to seek help.

The video footage of the incident showed that:

At 1:08:14 pm, Teacher A approached Student A and pulled his hood off his head. Student A attempted to put it back on and Teacher A held onto the back of his hood. Student A attempted to pull away from Teacher A, but he could not. Teacher A put her face closer to Student A and then Student A used both his hands to push Teacher A on her chest near her shoulders.

At 1:09:09 pm, Teacher A grabbed Student A's hand and walked him rapidly toward the door. Before they reached the cafeteria door, Teacher A stood in front of him and stopped his movement. Teacher A and the Classroom Teacher both attempted to remove his hood off his head.

At 1:09:10 pm, Teacher A reached her arm around Student A's head to remove and hold his hood down. At 1:09:26 pm, Student A pushed against Teacher A's arm and was able to remove her arm and then put his hood back on his head. The Classroom Teacher briefly stepped between Student A and Teacher A until Teacher A got into Student A's face and again put her hand on Student A's hood.

At 1:09:44 pm, Teacher A stood next to Student A, put her around his shoulders and guided him back toward the cafeteria door where the other students had exited for recess. When Student A exited the cafeteria, he moved into a corner of the hallway, Teacher A crouched down to speak to him and the Classroom Teacher walked towards the front office.

At 1:10:20 pm, another staff member walked over to Student A to speak with him and Teacher A. Teacher A then held Student A at the arm and began walking him towards the front office. Student A walked with Teacher A for two seconds and then began to pull away.

At 1:10:33 pm, Teacher A placed her left arm around Student A's body while continuing to hold his right arm with her other hand. Student A pushed against Teacher A's shoulders with his arms. Teacher A then repositioned her hands and used both hands to pull Student A's right arm. Student A continued using his body weight to pull in the opposite direction. Student A was able to free himself from her grasp at 1:10:40 pm and walk back to the corner in the hallway. Teacher A spoke with the other staff member before returning to the corner where Student A had gone.

On [redacted content], the District held a Section 504 meeting to discuss the incident and to determine whether Student A needed additional supports or services. The Parent attended the meeting and received notice of her due process rights. Student A's Section 504 plan was revised, in relevant part, to include: contact parents immediately if Student A falls or has potential harm; contact parents anytime support is called; and provide wait times when Student A does not respond and becomes dysregulated.

On [redacted content], the Investigator issued an Investigation Report determining “[p]hysical restraint was implemented during the incident on [redacted content]. While in the hallway outside of the cafeteria, [Teacher A] grabbed and held onto [Student A]’s arm and body for 7 seconds (1:10:33 pm-1:10:40 pm) while [Student A] was actively resisting and pulling away from this physical touch.”¹ The Investigator did not consider whether Teacher A’s actions could constitute harassment based on disability and/or caused Student A to become further dysregulated. On the same date, the 504 Coordinator determined School staff failed to implement one provision of Student A’s Section 504 plan, which required the use of specific strategies when Student A becomes dysregulated. Specifically, 504 Coordinator determined that, although the appropriate school staff were contacted when Student A became dysregulated, staff did not implement regulation strategies (e.g., wait times or controlled choice) appropriately and did not consistently minimize language as it appeared as though staff directed “rapid-fire” questions and directives at Student A. [redacted content].

The Investigator and Section 504 Coordinator recommended that Student A’s Section 504 team reconvene to consider additional accommodations. On [redacted content], the District held a Section 504 meeting. The Parent was in attendance at the meeting and received notice of her due process rights. The team revised Student A’s Section 504 plan, in relevant part, to allow Student A to use his hood, clothing or other covering gesture to self-regulate. The Section 504 plan also included some additional aids and services, such as access to breaks and a trusted adult when needed. The Section 504 team discussed whether Student A needed a BIP and determined that Student A’s behavior was not consistent and a BIP was not needed at the time.

The Investigator also recommended training for all School staff, including Teacher A, on implementation of Section 504 plans, supporting de-escalation and adult regulation, and strategies for working with students with [redacted content]; training for School staff who work with Student A on his Section 504 plan; and a staff support response protocol for those unfamiliar with Student A. OCR has not yet received documentation for the recommended training or response protocol set forth in the Investigation Report.

Analysis

On June 1, 2026, the District expressed interest in resolving the complaint under Section 302 of the CPM, and OCR determined it is appropriate to resolve the complaint because OCR’s investigation has identified issues that can be addressed through a resolution agreement.

Based on the evidence collected to date, OCR has concerns regarding whether the District denied Student A a FAPE when Teacher A responded in a manner that exacerbated Student A’s dysregulation when she repeatedly took his hood off his head, which Student A uses to self-regulate, and then physically held Student A’s body and arms even after the Classroom Teacher

¹ The report concluded Student A was physically restrained during the incident; however District policy defines restraint as “a personal restriction, imposed by an FCPS Staff member during school hours, that immobilizes a student or reduces a student’s ability to move their torso, arms, legs, or head freely, and does not include:

- a. Briefly holding a student in order to calm or comfort the student;
- b. The temporary touching or holding of a student’s hand, wrist, arm, shoulder, or back to escort the student safely to another area when contact ends upon arrival; or
- c. Moving a disruptive student unwilling to leave when other methods such as counseling have been unsuccessful.”

told her to stop. OCR is concerned that the District did not consider whether this conduct constituted harassment based on disability and whether School staff responded appropriately. In addition, OCR is concerned that School staff who were responsible for supervising Student A were not aware of Student A's Section 504 plan and did not understand how to use appropriate deescalation techniques when he became dysregulated per his Section 504 plan, which were part of the services needed to provide a FAPE. Lastly, OCR is concerned that the Section 504 team failed to consider whether Student A was denied a FAPE because of the incident and whether Student A was in need of compensatory or other services such as counseling to address his increased dysregulation, emotional outbursts, and elopement that may have been caused by the incident.

The District executed the enclosed Resolution Agreement which, when fully implemented, will address the allegations investigated and will resolve OCR's compliance concerns. It requires the District to:

- provide training to School administrators and relevant staff on the District's obligation to provide students with disabilities a FAPE, including its duty to properly implement a Section 504 plan; the District's obligation to remedy any denial of a FAPE, including determining whether to provide compensatory or other services; and the Section 504 and Title II's prohibition against disability discrimination, including disability harassment;
- provide training to the Investigator on how to investigate complaints of discrimination based on disability, including disability harassment;
- convene Student A's Section 504 team to determine whether Student A is entitled to compensatory or other services as a result of any alleged failure by the District to provide Student A a FAPE in the 2025-2026 school year as a result of the incident on December 12, 2025; and
- ensure relevant staff are made aware of Student A's needs and the provisions of Student A's Section 504 plan.

The provisions of the Resolution Agreement are aligned with the information obtained during OCR's investigation and are consistent with applicable regulations. OCR will monitor the implementation of the Resolution Agreement.

Overall Conclusion

This concludes OCR's investigation of the complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

The complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

OCR would like to thank the District for the courtesy and cooperation extended to OCR during the investigation. In particular, we wish to thank District's counsel, [redacted content]. If you have any questions, please contact Sunita Kini-Tandon, Senior Attorney, by email at Sunita.Kini-Tandon@ed.gov.

Sincerely,

/s/

Melissa Howard
Supervisory Attorney

cc: [redacted content]

Attachment