



**U.S. Department of Justice
Civil Rights Division
Educational Opportunities Section**

NP:NS:SM
DJ 169-35-108

U.S. Mail: 4 Constitution Square
150 M Street NE, 10th Floor
Washington, DC 20002
Telephone: (202) 514-4092
Facsimile: (202) 514-8337

May 16, 2025

By Electronic Mail

Steven N. Blivess, Esq.
Michael A. DuBey, Esq.
Frederick County Public Schools
191 South East Street
Frederick, MD 21701
Steven.Blivess@fcps.org
Michael.Dubey@fcps.org

Re: December 2021 Settlement Agreement with Frederick County Public Schools

Dear Mr. Blivess and Mr. DuBey:

We write regarding the Settlement Agreement (“Agreement”) the United States (“Department”) entered into with the Frederick County Public School District (“District”) to address and prevent the discriminatory use of seclusion and restraint against students with disabilities (“SWDs”). We appreciate the District hosting us and our expert consultant for our recent three-day site visit, the fifth such visit to the District’s schools since we began monitoring the District’s compliance with the Agreement. We also thank the District for submitting its sixth status report earlier this year, which documents in detail the District’s efforts to meet the Settlement Agreement’s requirements.

The District has made tremendous progress in fulfilling its obligations under the Agreement. The District immediately banned seclusion throughout its schools and significantly revised its policies related to the use of physical restraint, clarifying that restraint may not be used except in an emergency situation in which restraint is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate. The District’s reforms to its restraint practices, combined with its development of a comprehensive training program for administrators, teachers, and staff, have resulted in a dramatic decline in the use of restraint. The District has hired Board Certified Behavior Analysts (“BCBAs”) to staff all but one of its 17 specialized program sites, as well as two BCBA Supervisors to provide professional development, coaching, and support. As of the date of this letter, the District had reviewed and revised the Behavior Intervention Plans (“BIPs”) of nearly all students currently enrolled in the District who were restrained or secluded during the period of the

Department's investigation.¹ The District has improved its practices related to documenting the use of restraint and strengthened its complaint process to ensure that it promptly and thoroughly investigates and responds to restraint-related complaints. Finally, the District has offered extensive compensatory education and services to nearly 400 current and former students who were impacted by its prior practices. Given the significant progress the District has made, the United States has concluded that the District has substantially complied with the terms of the Agreement.

Although the United States has concluded its formal monitoring of the District with respect to the Agreement, the District must of course continue to comply with all requirements of the Americans with Disabilities Act ("ADA") and federal law. Therefore, our closure of formal monitoring does not preclude future compliance reviews by the Department and does not affect any investigations or inquiries initiated by another federal agency. Furthermore, the Department's Agreement with the District and its ADA compliance review do not address any additional obligations the District may be required to meet under Maryland law.

We greatly appreciate your cooperation and efforts to resolve this matter.

Sincerely,

/s/ Natane Singleton

Natane Singleton
Senior Trial Attorney
Educational Opportunities Section

/s/ Sarah A. Marquardt

Sarah A. Marquardt
Assistant U.S. Attorney
District of Maryland

¹ We note that although the District has complied with the Agreement with respect to current students, the District's review and revision of some students' BIPs was significantly delayed, and other students' BIPs were not revised prior to them leaving the District.