



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515
100 PENN SQUARE EAST
PHILADELPHIA, PA 19107-3323

REGION III
DELAWARE
KENTUCKY
MARYLAND
PENNSYLVANIA
WEST VIRGINIA

May 20, 2014

IN RESPONSE, PLEASE REFER TO: 03141064

Dr. Joshua Starr, Superintendent
Montgomery County Public Schools
850 Hungerford Drive
Rockville, Maryland 20850

Dear Dr. Starr:

This letter is to notify you of the resolution of the complaint filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against Montgomery County Public Schools (the District). XXXX XXXXXXXX (the Complainant) alleged that the District retaliated against XXX XXXXXXXX XXXXX XXXXXXXX (the Student), by XXXXXXX XXXXXXX XXXXX XXX XXXX XXX XXXXXXX XXXXXXX since September 2013 because the Complainant filed disability discrimination complaints against the District with the state department of education.

OCR enforces:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance. Section 504 also prohibits retaliation.
- Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. Title II also prohibits retaliation.

As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to these laws.

Under OCR procedures, a complaint may be resolved before the conclusion of an investigation if a recipient asks to resolve the complaint by signing a Voluntary Resolution Agreement. The provisions of the agreement must be aligned with the complaint allegations and be consistent with applicable regulations. Such a request does not constitute an admission of liability on the part of a recipient, nor does it constitute a determination by OCR of any violation of our regulations.

Consistent with OCR's procedures, the District requested to resolve the complaint through a Voluntary Resolution Agreement (the Agreement), which was executed by the District on May 15, 2014. A copy of the signed Agreement is enclosed. As is our standard practice, OCR will monitor the District's implementation of the Agreement.

Accordingly, OCR is concluding its investigation of these allegations and closing this complaint as of the date of this letter.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

This letter is not intended nor should it be construed to cover any other issues regarding the District's compliance with Section 504 and/or Title II, which may exist and are not discussed herein. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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. 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 Complainant may file another complaint alleging such treatment.

Thank you for your cooperation in this matter. If you have any questions, please feel free to contact Equal Opportunity Specialist Regina Sheehan at 215-656-8563, or by email at Regina.Sheehan@ed.gov, or Gina DePietro Team Attorney, at (215) 656-8595, or by email at Gina.DePietro@ed.gov.

Sincerely,

/s/

Rhasheda S. Douglas
Team Leader
Philadelphia Office

Enclosure