

VOLUNTARY RESOLUTION AGREEMENT

Montgomery Township School District

Case No. 02-22-1315

To resolve Case No. 02-22-1315, the Montgomery Township School District assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

Action Item 1: Memorandum to staff

By December 19, 2022, the District will disseminate a memorandum to all staff who are responsible for developing, implementing, and monitoring the Student's Individualized Education Program (IEP) during school year XXXX-XXXX, reminding them of their obligation under Section 504 and Title II to implement all provisions of the Student's IEP deemed appropriate by a group of knowledgeable persons such as the Child Study Team.

Reporting Requirements:

- a) By January 13, 2023, the District will submit to OCR a copy of the memorandum issued in accordance with Action Item 1.
- b) By June 30, 2023, the District will submit documentation that it provided the Student with the testing modifications approved in his IEP for all state assessments administered during school year XXXX-XXXX. The documentation will include a list of all state assessments the Student took during school year XXXX-XXXX; the testing modifications that were provided; the staff member(s) responsible for providing the testing modifications by name and title; and a description of how the testing modifications were provided.

OCR Monitoring

The District understands that by signing this resolution agreement (the 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, if necessary, 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 and obligations of this Agreement.

The District understands that OCR will not close the monitoring of this resolution agreement until OCR determines that the District has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and its implementing regulations at 34 C.F.R. Part 104, and Title II and its implementing regulation at 28 C.F.R. Part 35, which were at issue in this case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will provide the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below.

11/30/2022

Date

/s/

Mary E. McLoughlin
Superintendent
Montgomery Township School District