

Voluntary Resolution Agreement
Montgomery County City Public Schools
OCR Complaint #03151109

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 its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act (Title II) and its implementing regulation at 28 C.F.R. Part 35, the Montgomery County Public Schools (the District) voluntarily enters into this Resolution Agreement (Agreement). This Agreement does not constitute an admission of liability on the part of the District, nor does it constitute a determination by OCR that the District violated any of the regulations enforced by OCR.

The District voluntarily makes the following commitments to OCR:

Section 504 Plan

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 to each qualified student with a disability in its jurisdiction. In addition, the District recognizes its obligations under Section 504 at 34 C.F.R. § 104.33 that it must fully implement Section 504 Plans for students with disabilities. By September 15, 2015, the District will disseminate a memorandum (this memorandum can be sent electronically) to all counselling staff and administrators at the XXXXXX (the School) , reminding them of their obligations under Section 504 that they must fully implement Section 504 Plans for students with disabilities.

Reporting Requirement: By September 30, 2015, the District will submit to OCR documentation demonstrating that it distributed the memorandum referenced in Action Step #1 above, including the list of personnel, with name and title, who received the memorandum and the District's method of distribution.

2. By September 30, 2015, after providing proper written notice to the Student's parent/guardian, X---paragraph redacted---X.

Reporting Requirement:

- a) X---paragraph redacted---X
- b) X---paragraph redacted---X

Training

3. The District will provide training to all School counselling staff and administrators regarding Section 504 and their obligation to provide a FAPE to each qualified student with a disability

in its jurisdiction. The training will emphasize that under Section 504 at 34 C.F.R. § 104.33, the District must fully implement Section 504 Plans for students with disabilities. The training will be provided by staff knowledgeable about Section 504 and Title II, or by a non-employee with expertise about these regulations.

Reporting Requirement: By October 15, 2015, the District will provide OCR with a copy of the proposed training program and/or PowerPoint presentation as well as the identity of the trainer(s), including his/her qualifications related to Section 504 and Title II, for review and approval. Within 60 days of OCR's approval of the District's proposed training presentation, the District shall provide the training in accordance with Commitment #3.

Within 30 days of completion of the training noted above, the District shall provide to OCR the date(s) the training was provided, copies of the training materials/handouts, a list of participants by name and title, and the trainers name, title and credentials.

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. §§ 104.33, 104.34, 104.35, and 104.36, and Title II, at 28 C.F.R. §35.130(a) and (b)(1)(iii), which were at issue in this complaint.

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. §§ 104.33, 104.34, 104.35, and 104.36, and Title II, at 28 C.F.R. §35.130(a) and (b)(1)(iii), which were at issue in this complaint.

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/

July 28, 2015

Superintendent or Designee

Date