

**Voluntary Resolution Agreement
Montgomery County Public Schools
OCR Case No. 03161195**

In order to resolve the allegation 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), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination based on disability, Montgomery County Public Schools (the District) voluntarily enters into this Resolution Agreement and makes the following commitments to OCR.

The Parties acknowledge and agree that neither this Agreement, nor any action taken in connection with this complaint does not constitute, and should not be understood as constituting an acknowledgement, evidence or an admission of liability by the District, nor does it constitute a determination by OCR of any violation of Section 504, Title II, or their implementing regulations by the District.

Action Step 1

MCPS acknowledges its obligation under Section 504 and Title II to ensure that no person, on the basis of disability, is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any District program or activity or treated differently on the basis of disability.

By April 1, 2017, the District shall disseminate a memorandum to all administrators, teachers, counselors, and paraeducators at XXXXXX (the School), reminding them of their obligation not to treat students with disabilities differently than non-disabled students.

Reporting Requirement

By May 1, 2017, the District shall submit to OCR a copy of the memorandum, a list of the names and titles of the persons who received the memorandum, an explanation of the manner in which it was distributed and the date it was disseminated.

Action Step 2

By June 1, 2017, MCPS will provide training to all administrators and special education teachers at the School on the subject of disability discrimination, including but not limited to ensuring provision of accommodations on a student's IEP related to classroom participation with fidelity and in a non-discriminatory manner. An individual knowledgeable about the laws and issues pertaining to disability discrimination will provide the training. The training will include a review of MCPS related policies and procedures. Between the execution of this Agreement and the end of the 2016-2017 school year, MCPS will review documentation of the regular monthly check-ins conducted by the school administrator, case manager and/or resource special education

teacher, to ensure that the Student has had an equal opportunity to participate in classroom discussions.

Reporting Requirement

By August 1, 2017, the District will provide documentation to OCR demonstrating its compliance with Action Step 2 of this Agreement by submitting an outline of the training, a copy of the materials disseminated at the training, the name, title, and credentials of the individual who conducted the training and documentation of the attendees' names and titles and confirmation that the monthly check-ins were reviewed.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview employees 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. §§ 104.4, and Title II, at 28 C.F.R. § 35.130, 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. §§ 104.4, and Title II, at 28 C.F.R. § 35.130, 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, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/
Superintendent or Designee

3/23/2017
Date