

RESOLUTION AGREEMENT
Montgomery County Public Schools
Case Number 03-17-1255

The U.S. Department of Education, Office for Civil Rights (OCR) and Montgomery County Public Schools (the District) enter into this agreement to resolve the allegation in the above-referenced complaint. The District assures OCR that it will take the following actions to comply with 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. Sections 12131, and its implementing regulation at 28 C.F.R. Part 35, which prohibits discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

ACTION STEPS AND REPORTING REQUIREMENTS

1. The District acknowledges its obligation to provide a free appropriate public education (FAPE) to each qualified individual with a disability within its jurisdiction, regardless of the nature or severity of the individual's disability in accordance with Section 504 at 34 C.F.R. § 104.33, and Title II at 28 C.F.R. § 35.130. In addition, the District recognizes its obligations under Section 504 at 34 C.F.R. § 104.33 to fully implement education programs (including Individualized Education Programs and Section 504 Plans) for students with disabilities.

By February 1, 2019, the District shall distribute a memorandum to all staff at the XXXXXX (the School) reminding them of their obligation to provide a FAPE to each qualified student with a disability, which includes implementing each student's Section 504 Plan or IEP, as applicable.

Reporting Requirement: By March 1, 2019, the District will submit to OCR a copy of the memorandum issued in accordance with Action Step #1 and the distribution list identifying the staff who received the memorandum.

2. XX – paragraphs redacted – XX

The District understands that by signing the resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the District understands that during the monitoring of the resolution 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 recipient has fulfilled the terms and obligations of the resolution agreement.

Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statutes and

regulations. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/

1/7/19

Superintendent/Designee
Montgomery County Public Schools

Date