

**Resolution Agreement
Montgomery College
OCR Docket Number 03182174**

The U.S. Department of Education, Office for Civil Rights (OCR) and Montgomery College (College) enter into this Resolution Agreement (Agreement) to resolve the issues in this above-referenced complaint. This Agreement does not constitute an admission of liability, nor does it constitute a finding of non-compliance or wrongdoing on the part of the College. The College 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) and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35. The College is a recipient of Federal financial assistance and is therefore subject to the requirements of these laws.

Prior to the completion of OCR's investigation, the College agreed to resolve the issue of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issues of this investigation, the College agrees to take the following actions:

Action Step 1 – Memorandum to faculty and administrators regarding the provision of academic adjustments

- a. The College recognizes its obligation under the regulation implementing Section 504 at 34 C.F.R. § 104.44(a) to provide modifications to its academic requirements, as are necessary, to qualified students with disabilities to ensure that they are not denied the benefits of, or excluded from participation in, the College's educational programs, benefits, or services. The College also recognizes its obligation under the Title II regulation at 28 C.F.R. § 35.130(b)(7) to make reasonable modifications when necessary to avoid discrimination on the basis of disability, unless it can demonstrate that making the modifications would fundamentally alter the program.
- b. By January 31, 2019, the College will send a memorandum to all faculty and administrators, who are involved in the provision and delivery of academic adjustments to students with disabilities, reminding them of their obligations to provide academic adjustments in accordance with the applicable Section 504 and Title II regulations. Specifically, this memorandum will remind them of their responsibility to implement the approved academic adjustments in a manner that is consistent with a student's Office of Disability Support Services Confidential Memorandum regarding Accommodations. This memorandum will also state that in instances where it is determined that a student does not receive his or her approved academic adjustments, instructional staff and disability services personnel will work together with a student to identify an appropriate remedy.

Reporting Requirements

By February 28, 2019, the College will submit evidence of the date and method of the distribution of the memo required by Action Step 1, including a list of the persons who received it by name.

Action Step 2 – XXXXXX

- a. XX – paragraph redacted – XX
- b. XX – paragraph redacted – XX

Reporting Requirements

XX – paragraph redacted – XX

The College understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the College understands that during the monitoring of this agreement, if necessary, OCR may visit the College, interview staff, and students and request such additional reports or data as are necessary for OCR to determine whether the College has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. § 104.44 and Title II at 28 C.F.R. § 35.130, which were at issue in this complaint. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The College 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 College written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/

11/8/18

President/Designee
Montgomery College

Date