

**RESOLUTION AGREEMENT**  
**Montgomery County Public Schools**  
*OCR Case No. 03-21-1105*

Montgomery County Public Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 03-21-1105. This Agreement does not constitute an admission by the District of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) or Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

**Action Item 1**

By May 1, 2022, after providing proper written notice to the Student's parent/guardian, the District will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the parent/guardian, with the purpose of determining whether compensatory and/or remedial services are due to the Student for the time period the Student did not receive appropriate regular and/or special education or related services, during the XXXXXX school year. If the group recommends compensatory and/or remedial services for the Student, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond July 1, 2022. The District will provide the Student's parent/guardian with notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

**Reporting Requirements:**

- a. Within one week of the meeting, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to the Student, the notice of procedural safeguards, the written invitation to the Student's parent/guardian, and a list of meeting attendees. OCR will review the documentation submitted to ensure that the District met the procedural and other requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations.
- b. By July 1, 2022, if compensatory and/or remedial services are recommended, the District will provide documentation to OCR of the dates, times, and locations that the compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

**Action Item 2**

By May 1, 2022, the District will notify complainant that it will reimburse cost of the SAT the Student took in XXXXXXXX within 30 days of receipt of Complainant's documentation of the expense.

**Reporting Requirements:**

- a. By May 15, 2022, the District will submit to OCR proof that it has sent the above notification to the Complainant.

- b. By August 1, 2022, or within 15 days of sending reimbursement to the Complainant, (whichever date is sooner) the District will provide OCR with documentation indicating that it reimbursed the Complainant the cost of the XXXXXX SAT.

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 the 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 the Agreement and is in compliance with the regulations implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, that were at issue in this case. Upon the District's satisfaction of the terms and obligations of the Agreement and its compliance with the with the regulations implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, OCR will close the case.

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 a minimum of sixty (60) calendar days to cure the alleged breach.

By:  /s/ \_\_\_\_\_ Date:  March 31, 2022 \_\_\_\_\_  
Name: Danielle Miller  
Title: Assistant General Counsel, Office of the General Counsel, MCPS