



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

61 FORSYTH ST., SOUTHWEST, SUITE 19T10
ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

February 26, 2015

Ms. Margaret Allen
Superintendent
Montgomery Public Schools
307 S. Decatur Street
Montgomery, Alabama 36104

Re: Complaint #04-14-1700

Dear Ms. Allen:

On August 15, 2014, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint filed against the Montgomery County School District (District), alleging discrimination on the basis of disability. Specifically, the Complainant alleged that the District failed to evaluate the Student for a Section 504 Plan in a timely manner in spring 2014 and failed to provide a free appropriate public education (FAPE) to the Student by failing to make an individualized determination of the homebound instruction hours to be provided to the Student.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance; and Title II of the Americans with Disabilities Act of 1990 (Title II), as amended, 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibits discrimination on the basis of disability by certain public entities. As a recipient of Federal financial assistance from the Department, and a public entity, the District is subject to these laws. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

OCR opened an investigation on the following legal issues:

Whether the District failed to timely evaluate the Student for related aids and services in spring 2014, in noncompliance with the Section 504 implementing regulation at 34 C.F.R. § 104.35, and the Title II implementing regulation at 28 C.F.R § 35.130.

Whether the District failed to provide a FAPE to the Student by failing to make an individualized determination of the homebound instruction hours to be provided to the Student, in noncompliance with the Section 504 implementing regulation at 34 C.F.R. § 104.33, and the Title II implementing regulation at 28 C.F.R. § 35.130.

During OCR' s investigation of this complaint, the District offered to voluntarily resolve the allegations of this complaint. Pursuant to OCR' s procedures, a complaint may be resolved when, before the conclusion of an investigation, the recipient requests to resolve the complaint. Based on the foregoing, OCR accepted the District' s request to resolve this complaint and the District entered into the enclosed Resolution Agreement (Agreement), which when fully implemented, will resolve the issues in this complaint.

OCR will monitor the District' s implementation of the Agreement to ensure that it is fully implemented. If the District fails to fully implement the Agreement by the timeframes established therein, OCR will reopen the case and take appropriate action to ensure compliance with Section 504 and Title II. Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records, upon request. If we receive such a request, we will seek to protect, to the extent provided by law, personally-identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Thank you for the cooperation that your staff provided to the staff of OCR. If you have questions or concerns, please contact Cassandra Williams, Investigator, at (404) 974-9393, or Wendy Gatlin, Compliance Team Leader, at (404) 974-9356.

Sincerely,

Deborah Floyd
Acting Regional Director__