

Resolution Agreement
Montgomery County School District
OCR Docket Number 04-16-1145

The Montgomery County School District (District) submits to the U.S. Department of Education, Office for Civil Rights (OCR), this Resolution Agreement (Agreement) to voluntarily resolve the above-referenced complaint and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, 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, 28 C.F.R. Part 35, which prohibits discrimination on the basis of disability by recipients of Federal financial assistance and public entities.

I. Policy

Actions Steps

1. **By August 31, 2016**, the District agrees to develop a policy by which parents/guardians who request a zone variance for their children for medical need will be informed that the student may qualify for services under Section 504. The policy will include what information will be provided and how that information will be provide and include the name and contact number of the person who can address questions regarding the policy.

Reporting Requirement

By September 30, 2016, the District will provide OCR with a copy of its proposed policy for OCR's review and approval. Within 30 days of OCR's review and approval of the policy the District will publish the policy on its website and in other publications provided to parents/guardians.

Within 60 days of publication, the District will provide OCR with the web link to the policy and a copy of the publications in which the policy appears.

2. **By August 31, 2016**, the District will include in its Section 504 procedures for the evaluation and placement of students with disabilities that the decision of whether transportation is needed as a related aid or service will be determined by a group of persons, including the parent, knowledgeable about the student and the evaluation data (Section 504 team) and not the Office of Student Support Services.

Reporting Requirement

By September 30, 2016, the District will provide OCR with a copy of the Section 504 procedures show that the information required under action step 2 above has been added to the procedures.

3. The District implemented a practice in the 2015-2016 school year of notifying parents/guardians of students with health plans that the student may qualify for services under Section 504. The District will provide OCR with an assurance that the parents/guardians of all students with health plans have been provided with information that their child may qualify for services under Section 504.

Reporting Requirement

By August 15, 2016, the District will provide a statement from each of its Section 504 coordinators verifying that parents/guardians of students with a health plan have been notified as required by action step 3 above.

II. Training

Action Step

1. **By October 31, 2016**, the District will provide training to the District's Section 504 Coordinator, all of its school nurses and Section 504 coordinators at each of its schools on its new policy and the Section 504 requirement that a group of persons, including the parents, knowledgeable about the student and the evaluation data will decide whether transportation services are required as a related aid and service.

Reporting Requirement

By November 15, 2016, the District will provide OCR with a report confirming the completion of the training required under Section II Corrective Action 1, 2 and 3 above. The report will include: (i) the date of each training session; (ii) a list of names and titles of the persons who participated, (iii) outline of training content, and the qualification of the person who conducted the training.

III. Students Remedy

Action Steps

1. If the Students return to the District, the District will conduct a Section 504 meeting to determine placement for the Students including whether transportation should be provided.

Reporting Requirement

Within 30 days of the Section 504 meeting, the District will provide OCR with all documentation from the Section 504 meeting to determine whether the procedural requirements of Section 504 were met.

2. **By August 15, 2016**, the District will reimburse the Complainant for mileage to and from home to school (using the Complainant's home address at the time the Students attended the School) for the days the Students were present at school from August 2015 through December 2015 using the Internal Revenue Service 2015 private operated vehicle rate.

Reporting Requirement

By September 1, 2016, the District will provide OCR with documentation showing that the Complainant has been reimbursed. The information will include the Students' attendance records showing number of days at school, the 2015 private operated vehicle rate (POV) used, total roundtrip miles, and a copy of method of payment with acknowledgement of receipt from the Complainant.

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 this 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 of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. § 104.4(b)(1)(i)-(ii), Section 504 at 34 C.F.R. §§104.32 (a) and (b)Section 504 at 34 C.F.R §104.33 (a) and (b) and Section 504 at 34 C.F.R. §104.37 (a)(1) and (2), and Title II at 28 C.F.R. §35.130.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the recipient has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. § 104.4(b)(1)(i)-(ii), Section 504 at 34 C.F.R. §§104.32 (a) and (b)Section 504 at 34 C.F.R §104.33 (a) and (b) and Section 504 at 34 C.F.R. §104.37 (a)(1) and (2), and Title II at 28 C.F.R. §35.130.

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.

This Agreement will become effective immediately upon the signature of the District's representative below.

Superintendent or Designee

Date