

## **RESOLUTION AGREEMENT**

### **Montgomery Public School District OCR Complaint #04-17-1208**

OCR and the Montgomery Public School District (District) enter into this agreement to resolve the allegation in the above-referenced complaints. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures the U. S. Department of Education, Office for Civil Rights, (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 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

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

1. By August 31, 2018, and annually thereafter, the District will provide training to all School administrators, faculty and staff involved in the oversight for, and/or the identification, evaluation, and placement of students regarding the requirements to provide a free appropriate public education pursuant to Section 504 and Title II, including evaluation and implementation of related aids and services; and adherence to grievance procedures (specifically the requirement to respond to complaints in a "timely manner") under Section 504 and Title II. The training will also cover the prohibition of retaliation under Section 504 and Title II.
2. By July 13, 2018 through proper written notice, the District will offer the parent/guardian the option of receiving appropriate transitional and/or remedial services for the Student, at no cost to the parent/guardian. If the offer for transitional and/or remedial services is accepted, the 504 Coordinator will develop a plan for providing timely transitional and/or remedial services with a completion date not to extend beyond November 30, 2018.

### **REPORTING REQUIREMENTS**

- a) By September 21, 2018, the District will provide documentation to OCR demonstrating that the District has conducted its annual training pursuant to this provision of the Agreement. The documentation shall include:
  - a. The date of the training session;
  - b. A list of names and titles of District employees who participated in the training session;
  - c. A description of the presenter's background and qualifications with respect to knowledge of Section 504 and Title II; and
  - d. A copy of the agenda and the training materials disseminated.

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

- b) By December 7, 2018 if transitional and/or remedial services are accepted by the parent/guardian, the District will provide documentation to OCR of the dates, times, and locations that transitional and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

The District 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 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 Section 504 and its implementing regulation at 34 C.F.R. § 104.33 and Title II implementing regulation at 28 C.F.R. §§ 35.103(a) and 35.130(b)(1)(ii) and (iii). Upon completion of the obligations under this Agreement, OCR shall close this 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 sixty (60) calendar days to cure the alleged breach.

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

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Dr. Ann Roy Moore  
Superintendent  
Montgomery Public School District

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Date