



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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June 4, 2014

Mr. Albert Peterson
Superintendent
Hardin Public Schools
585 John Deere Road
Hardin, Montana 59034

Re: Hardin Public Schools
OCR Reference No. 10121263

Dear Superintendent Peterson:

This is to confirm that the U.S. Department of Education, Office for Civil Rights (OCR) and Hardin Public Schools (district) have resolved the compliance concerns identified by OCR in the letter of findings that was issued by OCR on May 9, 2014, for the above-referenced complaint.

As indicated in OCR's letter of findings, we concluded that the district failed to comply with the requirements of Section 504 and Title II and their implementing regulations with respect to two of the five issues that OCR investigated: whether during the 2011-2012 school year the district denied the student a free appropriate public education (FAPE) by:

1. failing to develop an adequate Section 504 plan to meet his disability-related needs; and
2. failing to evaluate whether he has disability-related needs requiring special education services.

OCR found that the district did not develop a Section 504 plan for the student, initiate an evaluation of the student to determine if the student had disability-related needs requiring educational support services, or provide the student with any disability-related services during the 2011-2012 school year. Because the evidence established that the district had information to indicate that the student may have had an illness requiring disability-related services, and the district failed to conduct an evaluation of the student's disability-related needs, OCR concluded that the district failed to comply with Section 504 and Title II as indicated above.

The district has agreed to take the actions set forth in the enclosed Settlement Agreement, which, when fully implemented, will resolve the concerns that were identified by OCR. OCR also acknowledges that the district has already taken some actions to address the compliance concerns identified by OCR. These actions were undertaken while discussions were ongoing between OCR and the district's legal counsel relating to the terms of the Settlement Agreement. On May 1, 2014, the district conducted supplemental training for all administrators and special education staff at XXXXXXXXXXXXXXXX to review the substantive and procedural requirements of Section 504 relating to the identification, evaluation, and placement of students who, due to disability, need or are believed to need Section 504 accommodations, special education, or related services. The training included a review of the substantive and procedural requirements of identifying a student who may be in need of special education and related services. The training was conducted by the counsel for the district and utilized materials that addressed the identification, evaluation, and responses to issues that are addressed in OCR's determination and in the agreement. The district also conducted a 504 team meeting and established a 504 plan for the student, a copy of which has been provided by the district to OCR.

OCR will monitor the implementation of the agreement and will close the complaint when OCR determines that the district has timely and effectively implemented the terms of the agreement, including any subsequent modifications to the agreement, and is in compliance with the statutes and regulations at issue. The first report under the agreement is due by June 10, 2014.

Thank you for the cooperation that you, your staff, and the district's legal counsel extended to OCR staff in resolving this complaint. If you have any questions, please contact Jennifer Kuenzli, equal opportunity specialist, by telephone at (206) 607-1675, or by e-mail at jennifer.kuenzli@ed.gov. You may also contact Tim Sell, senior attorney, at (206) 607-1639, or by e-mail at timothy.sell@ed.gov.

Sincerely,

/ s /

Gary D. Jackson
Director
Seattle Office

Enclosure: Settlement Agreement

cc: Denise Juneau, Superintendent
Montana Office of Public Instruction

District Legal Counsel
Felt, Martin, Frazier & Weldon, P.C.