



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515  
100 PENN SQUARE EAST  
PHILADELPHIA, PA 19107-3323

REGION III  
DELAWARE  
KENTUCKY  
MARYLAND  
PENNSYLVANIA  
WEST VIRGINIA

**May 28, 2014**

**IN RESPONSE, PLEASE REFER TO: 03131235**

Dr. Joshua Starr, Superintendent  
Montgomery County Public Schools  
850 Hungerford Drive  
Rockville, MD 20850

Dear Dr. Starr:

This is to notify you of the resolution of the above-referenced complaint filed with the Office for Civil Rights (OCR), U.S. Department of Education (the Department), against Montgomery County Public School District (the District). XXXXXXXX (the Complainant) alleged that the District discriminated against her son, XXXXXXXXXX (the Student), on the basis of disability. Specifically, the Complainant alleges that the District failed to properly consider XXX request for disability related aids and services to transport the Student.

OCR enforces:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance.
- Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities.

As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to the provisions of Section 504 and Title II and their implementing regulations.

Under OCR procedures, a complaint may be resolved before the conclusion of an investigation if a recipient asks to resolve the complaint by signing a Voluntary Resolution Agreement. The provisions of the agreement must be aligned with the complaint allegations and be consistent with applicable regulations. Such a request does not constitute an admission of liability on the part of a recipient, nor does it constitute a determination by OCR of any violation of our regulations.

Consistent with OCR's procedures, the District requested to resolve the complaint through a Voluntary Resolution Agreement (the Agreement), which was executed on May 27, 2014. Accordingly, OCR is concluding its investigation of this complaint. A copy of the signed Agreement is enclosed. As is our standard practice, OCR will monitor the District's implementation of the Agreement.

This letter is not intended, nor should it be construed, to cover any other issues regarding the District's compliance with Section 504, Title II and their implementing regulations that may exist and are not discussed herein.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives 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. Please be advised that the Institute 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. If this happens, the Complainant may file another complaint alleging such treatment.

Thank you for your cooperation in this matter. If you have any questions, please feel free to contact Sarah McCarthy, Team Attorney, at (215) 656-6416, or by email at [sarah.mccarthy@ed.gov](mailto:sarah.mccarthy@ed.gov).

Sincerely,

/s/

Vicki Piel  
Supervisory Attorney and Team Leader  
Philadelphia Office

Enclosure

cc: XXXXXXXX (via email only)  
XXXXXXX (via email only)