

STATE OF MONTANA
DEPARTMENT OF LABOR AND INDUSTRY
OFFICE OF ADMINISTRATIVE HEARINGS

IN RE: OFFICE OF ADMINISTRATIVE HEARINGS CASE NOS. 1744-2016;
1745-2016; 1746-2016; 1747-2016; 1748-2016 & 1749-2016:

LUCY GALARUS, A MINOR CHILD, AND)
REJANA AND DOUGLAS GALARUS,)
INDIVIDUALLY AND AS THE PARENTS)
OF LUCY,)

Charging Parties,)

vs.)

ANDERSON SCHOOL DISTRICT #41)
1040 S. COTTONWOOD, BOZEMAN MT)
59718), MONTANA OFFICE OF PUBLIC)
INSTRUCTION (PO BOX 202501, HELENA)
MT 59620) AND GALLATIN-MADISON)
SPECIAL EDUCATION COOPERATIVE,)
PO BOX 162, BELGRADE, MT 59714,)

Respondent.)

ENTRY OF JUDGMENT
PURSUANT TO
RULE 68, M.R.CIV.P.

* * * * *

On September 6, 2016, the Charging Parties filed and served Notice of Acceptance of Rule 68 Officer of Judgment Against Respondents Anderson School District #41 and Gallatin-Madison Special Education Cooperative. The Montana Office of Public Instruction was not included in either the Offer of Judgment of Anderson School District No. 41 and Gallatin-Madison Special Education Cooperative, or the Charging Parties' acceptance .

Having received the Offer of Judgment pursuant to Rule 68, M.R.Civ.P., and the Charging Parties' acceptance of that offer,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Judgment is entered in favor of the Charging Parties in regard to their complaints of disability discrimination and breach of duties outlined under the Governmental Code of Fair Practices.

2. Anderson School District No. 41 (School District) and Gallatin-Madison Special Education Cooperative (Co-Op) are liable to Charging Parties for such disability discrimination and breach of duties under the Governmental Code of Fair Practices.

3. The Co-Op will insert language into the Interlocal Agreement under which it is created and operates consistent with the provisions of Mont. Code Ann. § 49-2-307.

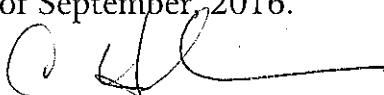
4. The School District and the Co-Op will, jointly through the self-insurance pool in which they participate, make a payment to the Charging Parties in the total sum of Forty-Two Thousand and no/100 Dollars (\$42,000.00), which shall be considered inclusive of all reasonable attorneys' fees accrued to date, all costs accrued to date and all monetary damage claims asserted by the Charging Parties.

5. The School District will agree to implement the use of the School District's Sit-to-Stand stander throughout the 2016-2017 school year on a daily basis with a goal of gradually increasing its use not to exceed sixty (60) minutes per day. The School District staff will support the student as necessary in her transfers and in her access to materials and educational content while in the stander. The specific time periods for use of the stander during the morning and afternoon will be determined by the School District and Co-Op based on impact on educational access, special events and opportunities in which supported standing may be educationally appropriate or otherwise be of educational benefit (i.e, music, concerts, assemblies, etc.). The School District and Co-Op will also continue to monitor and base the use of the stander as described above on their observations of and in consideration of any pain or discomfort on the part of the student, evidence of muscular spasticity or changes in her muscular or skeletal deterioration that impede her current functional ability (i.e., ambulation, standing and transfers, activities of daily living, etc.) The School District and Co-Op will agree to review and reassess the timing and duration of use of the stander in the educational environment on an annual basis at the conclusion of each school year.

6. The School District will agree to commit the sum of Ten Thousand and No/00 Dollars (\$10,000.00) for expenditures to implement facility items identified in its current ADA Transition Plan prior to the conclusion of the 2016-2017 fiscal year.

7. The School District and the Co-Op shall comply with any reasonable affirmative relief ordered by the Human Rights Bureau and the Montana Department of Labor and Industry Office of Administrative Hearings.

DATED this 20th day of September, 2016.



Caroline A. Holien, Hearing Officer
Office of Administrative Hearings
Montana Department of Labor & Industry

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CERTIFICATE OF MAILING

The undersigned hereby certifies that true and correct copies of the foregoing document were, this day, served upon the parties or their attorneys of record by depositing them in the U.S. Mail, postage prepaid, and addressed as follows:

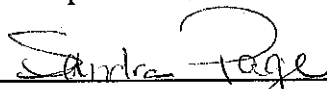
TIM KELLY
KELLY LAW OFFICE
PO BOX 65
EMIGRANT MT 59027-0065

ANN GILKEY
ATTORNEY AT LAW
PO BOX 202501
HELENA MT 59620-2501

JEFFREY HINDOIEN
ATTORNEY AT LAW
203 NORTH EWING STREET
HELENA MT 59601

ELIZABETH O'HALLORAN
ATTORNEY AT LAW
PO BOX 9312
MISSOULA MT 59807-9312

Signed this 20th day of September, 2016.



Legal Secretary, Office of Administrative Hearings
Montana Department of Labor and Industry

