

## **VOLUNTARY RESOLUTION AGREEMENT**

### **I. INTRODUCTION**

Seattle School District (district) enters into this agreement to resolve the allegations in a complaint (Reference No. 10131229) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under section 504 of the Rehabilitation Act of 1973 (Section 504) and title II of the Americans with Disabilities Act of 1990 (Title II).

### **II. GENERAL PROVISIONS**

- A. This agreement resolves the allegations in OCR Reference No. 10131229 and does not constitute an admission by the district of any violation of Section 504, Title II, or any other law.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10131229 based upon the district's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in this case.
- C. The district understands and acknowledges that, if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and 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 a minimum of sixty (60) calendar days to cure the alleged breach.
- D. The district understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner. Further, the district understands that during the monitoring of this agreement, OCR may visit the district's campus or place of business, 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 and Title II which were at issue in this case.

- E. The district understands that OCR will not close the monitoring of this agreement until OCR determines that the district has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II.

### **III. RESOLUTION PROVISIONS**

#### **A. Policies and Procedures**

In conjunction with OCR (as described in Section IV.A, below), the district will review and revise, as necessary, its policies and procedures related to the provision of a free appropriate public education under Section 504 to ensure that: 1) when the district receives information indicating that a student may have disability-related educational needs that, because of a change in circumstances or other factors (including that a student with a disability has stopped attending school), are not being addressed by the student's individualized education program (IEP) or Section 504 plan, the district takes prompt and appropriate steps to consider the information and determine whether a change in the student's IEP or 504 plan is needed to address the information; 2) the district conducts an evaluation in accordance with the Section 504 regulation at 104.35 prior to making a significant change in a student's placement; and 3) a student's IEP or Section 504 plan addresses all areas of a disabled students disability-related needs.

#### **B. Notice and Training**

1. Within 30 days of adopting the policies and procedures described in Section III.A, above, the district will provide OCR with a plan to distribute written notice of the policies and procedures to all instructional and administrative staff at Cleveland High School and the NOVA School, and publish the procedures on the district's publicly-accessible website, as described in the reporting section below.
2. Within 30 days of adopting the policies and procedures described in Section III.A, above, the district will provide training to the principals, vice-principals, counselors, school psychologists, special education teachers, special education para-professionals, and special education supervisor(s) at Cleveland High School and the NOVA

school. The training will cover, at a minimum, the policies and procedures developed under Section III.A, above.

C. Student-Specific Actions

1. If the student begins attending a school within the school district, the district will evaluate the student and place her in an educational setting with regular or special education and related aids and services designed to provide the student with a free appropriate public education.
2. By April 30, 2014, the district will send a letter to the guardian of the student in this complaint that includes, at a minimum: 1) a description of the steps the district has taken, and will take, to comply with the provisions of this agreement; and 2) that, if the guardian or the student expresses an interest in the student returning to the district, the district will hold an IEP meeting and provide an IEP that addresses all of the student's disability-related needs.

**IV. REPORTING PROVISIONS**

A. Policies and Procedures Reports

1. By April 11, 2014, the district will provide OCR a copy of its draft revised policies and procedures, which it developed pursuant to section III.A, above, for OCR's review and approval. OCR will notify the district as to whether OCR approves the revised policies and procedures. If OCR does not approve the policies and procedures, OCR will notify the district of the reasons, and the district will resubmit the draft policies and procedures for OCR's review and approval within 30 days of OCR's notice. This process will repeat until OCR approves the policies and procedures.
2. Within 30 days of receiving OCR's approval of the revised policies and procedures, the district will provide OCR with documentation to substantiate that it has adopted the OCR-approved policies and procedures.

B. Notice and Training Reports

1. By May 9, 2014, the district will provide a report to OCR that includes a draft of the notice and describes the district's plan to distribute the notice described in section III.B.1, above. Within 30 days of receiving OCR's approval of the district's draft notice and plan, the district will send the notices pursuant to the plan, and will send a report to OCR that includes a copy of the written notice provided to instructional and administrative staff and the method used to distribute the notice (e.g., e-mail, newsletter, regular mail), as well as a link to the website containing the policies and procedures.
2. By June 30, 2014, the district will provide a report to OCR that describes the training provided pursuant to section III.B.2, above. The report will include:
  - a. the date of the training,
  - b. the name and qualifications of the trainer,
  - c. a copy of the training materials provided to participants, or other documents demonstrating the subjects covered in the training,
  - d. a copy of the sign-in sheet of attendees that identifies them by name and title, and if any required staff were unable to attend the training, the report will include information about how and when they will be trained.

C. Student-Specific Reports

1. On January 31, 2015, or within 30 days of the student's attendance at a school within the district, whichever comes first, the district will submit a report demonstrating its compliance with section III.C.1, above. If the student does not attend school within the school district before January 31, 2015, the district will submit a report stating such. The district commits that it will provide a free appropriate public education to the student if she begins attending school in the district after January 31, 2015, but no reporting will be required to OCR.

2. By May 9, 2014, the district will provide a report to OCR that reflects the specific actions taken to comply with section III.C.2, above. The report will include a copy of the letter sent to the guardian as described in that section.

Signed:

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Jose Banda  
Superintendent  
Seattle School District No. 1

\_\_March 27, 2014\_\_  
Date