



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

915 2ND AVE., SUITE 3310
SEATTLE, WA 98174-1099

December 11, 2014

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Dr. Larry Nyland
Interim Superintendent
Seattle Public Schools
John Stanford Center for Educational Excellence
2445 Third Avenue S.
Seattle, Washington 98134

Re: Seattle School District No. 1
OCR Reference No. 10141422

Dear Dr. Nyland:

This is to inform you that the U.S. Department of Education, Office for Civil Rights (OCR) is discontinuing its investigation of the above-referenced discrimination complaint against the Seattle School District No. 1 (the District). As explained below, prior to completion of OCR's investigation, the District took actions to resolve one allegation and expressed an interest in voluntarily resolving the remaining issues raised in the complaint. The information below describes how the District resolved an allegation and how the signed enclosed Voluntary Resolution Agreement (agreement) addresses the remaining issues raised by the complaint allegations.

The complaint alleged that an individual with a disability was discriminated against on the basis of disability when, on XXXXXXXXXX, 2014, the District denied her request for an American Sign Language (ASL) interpreter for a XXXXXXXXXX, 2014, community meeting with the School Director that represents XXXXXX. The complaint also alleged that the District's web site does not provide notice of the District employee to contact to request disability-related accommodations for public meetings.

OCR has the authority to enforce Section 504 of the Rehabilitation Act of 1973 (Section 504) and title II of the Americans with Disabilities Act (Title II of the ADA). These federal statutes and their implementing regulations prohibit discrimination on the basis of disability in programs and activities receiving federal financial assistance from the U.S. Department of Education and by public entities, respectively. The District receives federal financial assistance from this Department and is a public entity.

OCR accepted the allegation that an individual with a disability was discriminated against on the basis of disability when, on XXXXXXXXXX, 2014, the District denied her request for an ASL interpreter for

a XXXXXXXXXX, 2014, community meeting with the School Director that represents XXXXXX. That allegation suggested a potential violation under the Section 504 regulation at 34 CFR 104.4(a), which states, “No qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives federal financial assistance.”

The Title II of the ADA regulation at 28 CFR 35.130(a) has a similar prohibition against discrimination based on disability by any public entity. The Title II of the ADA regulation at 28 CFR 35.160 states, in relevant part, at 28 CFR 35.160(a)(1), “A public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.” 28 CFR 35.160(b)(1) states, “A public entity shall furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity.” Title II of the ADA defines “auxiliary aids and services” at 28 CFR 35.104, and the term includes qualified interpreters on-site as an effective method for making aurally delivered information available to individuals who are deaf or hard of hearing.

After OCR contacted the District about this allegation, the District arranged a qualified ASL interpreter for the XXXXXXXXXX, 2014, community meeting with the School Director that represents XXXXXX. The individual with a disability confirmed for OCR that the interpreter was provided and that she was able to participate in the community meeting on XXXXXXXXXX, 2014. Therefore, OCR has determined that the issue of the individual with a disability’s request for an interpreter was resolved. This concludes OCR’s investigation of that issue in your complaint.

OCR’s determination above is specific to this individual OCR case and should not be interpreted to address the District’s compliance with any other regulatory provisions or to address any issues other than the individual’s request for an interpreter for the XXXXXXXXXX meeting. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR’s formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have the right to file a private suit in federal court regardless of OCR’s determination on that issue.

The complaint also alleged that the District’s web site does not identify anyone to contact to request disability accommodations for public meetings. Because the District has over 15 employees, the Section 504 regulation at 34 CFR 104.7 requires that the District designate at least one employee to coordinate its Section 504 compliance efforts. The Section 504 regulation at 34 CFR 104.8 also requires that the District take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, that it does not discriminate on the basis of disability in violation of Section 504. The regulation also requires that the notice include identification of the responsible employee designated pursuant to 104.7(a), and that the non-discrimination notice be included in publications containing general information that it makes available to participants, beneficiaries, applicants, or employees.

The Title II of the ADA regulation at 28 CFR 35.106 and 35.107 has similar requirements for designation of the responsible employee and notice, but also specifically requires that the public entity make available to all interested individuals the name, office address, and telephone number of the employee or employees designated to coordinate compliance and grievance efforts.

The investigation to-date indicates that the District provides information on requesting an ASL interpreter on web pages relating to specific events, but is not consistent in that practice. There is also information in the District's Section 504 Handbook, which is publicly available on the District's Section 504 web page at: <http://www.seattleschools.org/modules/cms/pages.phtml?pageid=244726>. However, the information in the Section 504 Handbook is focused on how schools arrange for interpreters for deaf/hard of hearing parents, and does not describe how parents or members of the public can request interpreters or other auxiliary aids or services.

In accordance with Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved at any time when, before the conclusion of an investigation, the institution expresses an interest in resolving the complaint. In such a case, the provisions of an agreement to resolve the complaint must be aligned with the complaint allegations or any information obtained during the discontinued investigation and must be consistent with applicable regulations. In this case, OCR determined that the individual with a disability was provided an ASL interpreter at the XXXXXXXXXX 2014. The District requested to resolve the remaining complaint allegation issues prior to the conclusion of OCR's investigation. Subsequent discussions with the District resulted in the District signing the enclosed agreement.

The actions the District will take under the agreement include establishing procedures for ensuring effective communication with disabled individuals at public events. It also includes notice of those procedures to the public and district staff of the District's responsibility to ensure non-discrimination and effective communication with individuals with disabilities, and how to request interpreters and other auxiliary aids and services for persons with disabilities.

OCR will monitor the implementation of the agreement and will close the complaint when OCR determines that the terms of the agreement have been satisfied. The first report under the agreement is due by March 27, 2015.

Please be advised that the District 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.

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.

Page 4 – OCR Reference No. 10141422

Thank you for the cooperation that you and your staff extended to OCR staff in resolving this complaint. If you have any questions, please feel free to contact Kelli Schmidt, Deputy Chief Attorney, by telephone at (206) 607-1638, or by e-mail at Kelli.Schmidt@ed.gov.

Sincerely,

Barbara Wery
Team Leader

Enclosure: Voluntary Resolution Agreement

cc: Randy Dorn, Superintendent of Public Instruction