

Resolution Agreement
Federal Way School District No. 210
OCR Complaint No. 10161644

Federal Way School District No. 210 (district), enters into this agreement to resolve the allegations in a complaint (Reference No. 10161644) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. § 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. § 35, which prohibit discrimination on the basis of disability in any educational program or activity operated by a recipient of Federal financial assistance and by public entities.

I. Policies and Procedures

- A. In consultation with OCR (as described in the reporting section, below), the district will review and revise, if necessary, its written policies and procedures to ensure that:
1. The district has effective policies and procedures for providing parents/guardians notice of placement decisions.
 2. The district has effective policies and procedures for ensuring that students on Section 504 plans are provided the accommodations and services, as outlined on those plans.
 3. The district has effective policies or procedures for, a) conducting an evaluation to determine whether a disabled student's misconduct is a manifestation of the student's disability when the student is suspended or expelled for more than 10 consecutive school days, or has a series of shorter term suspensions that combine to more than 10 school days and constitute a pattern of exclusions, and b) ensuring that if the misconduct is a manifestation of the student's disability, the student will not be subject to disciplinary removal over 10 school days or a pattern of exclusion that combines to more than 10 school days, and the student's evaluation shall continue to determine whether the student's current educational placement is appropriate. If the misconduct is not a manifestation of the student's disability, the student may be excluded in the same manner as similarly-situated non-disabled students are excluded.
- B. **Reporting Requirement:** By May 1, 2017, the district will provide OCR with the revised policies and procedures required in section I. A, above.

OCR will review the materials submitted and provide feedback regarding necessary changes or approve the policies and procedures as written. If OCR requires changes to the policies and procedures, the district will submit revised policies and procedures within 30 days of receiving notice of the required changes. The district and OCR will

repeat this procedure until OCR approves the policies and procedures.

Within 30 days of OCR's approval, the district will provide documentation to OCR, such as a copy of revised materials and publications containing this information, and/or a link to the on-line version of the materials and publications. Inserts may be used pending reprinting of the materials and publications.

II. Notice and Training

A. By the first day of the 2017-2018 school year, the district agrees to provide written notice to all relevant instructional and administrative staff at XXXXXX which informs staff that the district is committed to complying with Section 504 and Title II, including that:

1. the district will provide notice to parents/guardians of placement decisions;
2. the district will consistently provide all services listed in Section 504 plans; and
3. the district will conduct an evaluation to determine whether a student's misconduct is a manifestation of the student's disability when a student with a disability is suspended or expelled for more than 10 consecutive school days, or has a series of shorter term suspensions that combine to more than 10 school days that constitutes a pattern of exclusions.

B. By the first day of the 2017-2018 school year, the district agrees to provide training to all relevant instructional and administrative staff at XXXXXXXXXXXXX regarding their obligations as described in II.A.1-3 above.

C. **Reporting Requirement:** By May 1, 2017, the district will provide OCR with a copy of the district's draft notice required in section II.A, above.

OCR will review the materials submitted and provide feedback regarding necessary changes or approve the notice as written. If OCR requires changes to the notice, the district will submit a revised notice within 30 days of receiving notice of the required changes. The district and OCR will repeat this procedure until OCR approves the notice.

D. **Reporting Requirement:** Within 30 days of receiving OCR's approval of the notice, the district will provide OCR a copy of the written notice and information about the method and date of distribution.

E. **Reporting Requirement:** By October 1, 2017, the district will provide information about the training required in section II.B, above, including: the date of the training, the name and qualifications of the trainer, copies of the training materials provided to

participants, 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.

III. Compensatory Education or other Remedial Action for the Student

- A. By April 14, 2017, after providing proper written notice to the Student's parent/guardian, a group of knowledgeable persons, including the parent/guardian, will determine whether the student needs compensatory and/or remedial services as a result of the district's failure to provide appropriate regular and/or special education or related services during the 2015-2016 school year. If so, within 1 week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond December 31, 2017. The district will provide the student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.
- B. **Reporting Requirement:** By May 1, 2017, the district will submit to OCR documents supporting the group's decision pursuant to section III.A, above. The information submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the student. OCR will, prior to approving the district's decision and plan for providing the proposed services, review the documentation to ensure that the district met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.
- C. **Reporting Requirement:** By February 1, 2018, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

IV. General Provisions

- A. This agreement resolves the allegations in OCR Reference No. 10161644.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10161644 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 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, 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 regulation implementing Section 504 at 34 C.F.R. § 104.3, 104.34, and 104.35 and Title II at 28 C.F.R. § 35.130, 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 at 34 C.F.R. §§ 104.33, 104.34, and 104.35 and Title II at 28 C.F.R § 35.130

Signed:

/s/

March 20, 2017

Dr. Tammy Campbell
Superintendent
Federal Way School District No. 210

Date