

Resolution Agreement
Woodside Elementary School District
Case No. 09-17-1497

Without admitting to any violation of the law, the Woodside Elementary School District (District) agrees to implement this Resolution Agreement (Agreement) in order to resolve the finding of noncompliance identified by the U.S. Department of Education, Office for Civil Rights (OCR) under Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 *et seq.* (Section 504) and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.* (Title II), and their implementing regulations in the above-referenced OCR case number. The District agrees to take the actions in this Resolution Agreement (Agreement).

A. Interdistrict Transfer Request

By January 15, 2018, the District will notify the Complainant in writing that she may enroll her daughter in the District through Open Enrollment transfer beginning at the start of the 2018-19 school year. The District will not provide transportation services to the Student to or from her home to the District.

Reporting Requirements:

By January 8, 2018, the District will provide OCR, for review and approval, the notification pursuant to A. Within 7 days of notification of approval, the District will send the notification to the Complainant, and provide OCR a copy.

By February 2, 2018, the District will provide OCR with documentation as to whether the Complainant elected to enroll her daughter. The District will provide OCR with copies of any follow-up correspondence with the Complainant.

B. Clarification about Interdistrict Transfer Requests

The District will create a guidance memorandum for Board members regarding the processing interdistrict Open Enrollment transfer requests. The memorandum will confirm the District's understanding that interdistrict Open Enrollment transfer requests will not be denied based on students' disabilities or the requirement that they be provided a free appropriate public education (FAPE).

Reporting Requirements:

By January 15, 2018, the District will submit a draft of the guidance memorandum to OCR for review and approval, pursuant to B.1. Within 10 business days of OCR approval, the District will provide OCR with documentation that the guidance memorandum was shared with District board members.

Monitoring

- A. The District understands that by signing this Agreement, it agrees to provide 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 Section 504, Title II, and their implementing regulations, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

- B. The District understands and acknowledges 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.

_____/s/_____
Beth Polito, Superintendent

_____12/20/2017_____
Date