

SETTLEMENT AGREEMENT

I. INTRODUCTION

Lake Oswego School District enters into this agreement to resolve the compliance issues identified by the U.S. Department of Education (OCR) in its investigation of OCR Reference No. 10101111, conducted under the authority of section 504 of the Rehabilitation Act of 1973 and title II of the Americans with Disabilities Act of 1990.

II. GENERAL PROVISIONS

- A. This agreement resolves only those compliance issues identified by OCR in the investigation of OCR Reference No. 10101111 and does not constitute an admission by the district of any violation of Section 504, Title II, or any other law.
- B. 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.
- C. 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.
- D. 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. REMEDIAL PROVISIONS

A. Policies and Procedures

In consultation with OCR (as described in the reporting section, below), the district will review and revise, if necessary, its written policies, procedures, and practices to ensure that the district does not discriminate against students with disabilities. The policies, procedures and practices will ensure that:

1. Students with disabilities and their parents are not treated differently from non-disabled students and their parents regarding participation in field trips, unless the decision is made as part of the plan to provide a free appropriate public education (FAPE) to the student consistent with the requirements in Section 504 at 104.33 – 104.36. The policies, procedures and practices will ensure that the District has an appropriate process for determining whether a student with disabilities will participate in field trips. The District's process will ensure that decisions regarding a disabled student's participation in field trips will be individualized determinations that take into consideration the student's disability, any Individualized Education Program (IEP) or Section 504 Plan provisions related to field trips; the purpose of the field trip (academic or non-academic); and any needed related aids or services/accommodations that would allow the student to participate in the field trip. The process will ensure that such decisions will be made by persons knowledgeable about the student, the purpose of the field trip, the student's disability and appropriate accommodations or aids/services that will provide equal access to the field trip. The process will also provide for the notification of parents and/or guardians so that they can participate in the decision about whether the student with the disability will go on the field trip, and what if any accommodations/modifications, related aids or services will provide the student with the disability with equal access to the field trip.
2. The district will not intimidate, threaten, coerce, or discriminate against any person for the purpose of interfering with a right or privilege secured by Section 504, or because the person made, or participated in, a disability discrimination complaint. The policies and procedures will ensure that once a student, parent, teacher, coach, or other individual complains formally or informally to a

school about potential disability discrimination or participates in an disability discrimination investigation or proceeding, the district is prohibited from retaliating (including intimidating, threatening, coercing, or in any way discriminating against the individual) because of the individual's complaint or participation. The policies and procedures will also ensure that no student will be subjected to harsher disciplinary action because the student, or the student's parent/guardian or other person, made a disability discrimination complaint or participated in such a complaint.

B. Notice and Training

1. As described in the reporting section below, the district will distribute the policies and procedures to all district staff. If necessary, all former written policies or procedures will be updated with the revised versions, including any on the district's website, and any printed materials such as student or staff handbooks so that the information is easily accessible to staff, parents, and students.
2. As described in the reporting section below, the district will create a guidance letter that specifically describes the district's obligations pursuant to the requirements in sections III.A.1 and III.A.2, above, and staff's responsibility to ensure compliance those requirements.

C. Student-specific remedies

1. The district will write a letter of regret to the student's parent regarding the missed field trip and expulsion in fall 2009. The letter will state that the district stands willing to provide the student with compensatory education for the time missed due to the disciplinary removal, if the student returns to the school district.
2. The district will revise the student's disciplinary record to reduce the student's fall 2009 expulsion to a short-term suspension, consistent with similar student incidents (a suspension less than 10 days).

IV. REPORTING PROVISIONS

- A. Within 45 days from the date of this agreement, the district will provide a report to OCR that contains a draft of the revised policies and procedures and guidance letter pursuant to section III.A, above.

OCR will review the policies/procedures and guidance letter and notify the district whether the policies/procedures or guidance letter require any additional revisions. If revisions are required, the district will make the revisions and re-submit the draft policies and procedures to OCR for review within 20 days of receiving notice of the revisions by OCR. OCR and the district will follow the same procedure until OCR approves the policies and procedures.

- B. Within 45 days after receiving approval from OCR regarding the revised policies and procedures, the district will provide OCR with a report that:
 - i. confirms that the district adopted the approved policies and procedures, including documentation that provides the date and method used to approve the policies and procedures;
 - ii. confirms that the district distributed the policies and procedures to all district staff, and updated its website and printed materials with the new policies and procedures to ensure the information is available to staff, students, and parents, pursuant to section III.B.1, above; and
 - iii. confirms that the district distributed the guidance letter to all district staff pursuant to section III.B.2, above.

- C. Within 45 days of the date of this agreement, the district will provide a report to OCR that reflects the specific actions taken to comply with section III.C, above. The report will include a copy of the letter sent to the parent, and documentation of the student's revised disciplinary record.

Signed:

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Executive Director of Special Education/Special Services
Lake Oswego School District

____09/22/2014_____

Date