

SETTLEMENT AGREEMENT

I. INTRODUCTION

Yakima School District No. 7 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. 10111509, 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. 10111509 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 CFR sections 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, 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, at 34 CFR 104.33 and 28 CFR 35.130, 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, at 34 CFR 104.33 and 28 CFR 35.130, respectively.

III. REMEDIAL PROVISIONS

A. Policies and Procedures

1. By June 6, 2014, in consultation with OCR (as described in the reporting section, below), the district will review, revise and, if necessary, develop policies, procedures, and practices to ensure that students with disabilities consistently have equal opportunities to participate in field trips and other out-of-school activities to the same extent as nondisabled students, including that:
 - a. With regard to students whose individualized education plan, Section 504 plan, emergency care plan, or other individual health plans require that the district take actions to implement the student's access to each field trip or other out of school activity, that district procedures provide for clear and specific communication with the parent and student, if necessary, regarding the actions the district is taking with regard to these field trips or activities.
 - b. That all school nurses, Section 504 and/or special education building coordinators, and administrators at the district's high schools have practices in place to ensure that the policies and procedures referenced in A.1. above are implemented.

B. Staff Notice and Training

By September 30, 2014, the district will provide written notice and training to all high School staff and administrators, including school nurse(s), regarding their obligation to implement the provisions in a student's individualized education plan, Section 504 plan, emergency care plan, or other individual health plan with respect to field trips or other out-of-school activities, and to communicate with the student's parent or guardian as needed regarding the steps that it will take to ensure the plan is implemented. The notice and training will inform staff that they have an obligation to ensure that students with disabilities consistently have opportunities to participate in field trips and other out-of-school activities to the same extent as nondisabled students.

C. Student Specific Remedy

By May 15, 2014, the district will send the student's parents a letter stating that the district has reviewed their operational procedures and exhibits with respect to the provision of related aids and services to students with disabilities during field trips and other out-of-school activities, which, in turn, will be reviewed by OCR. The letter will also state that all high school staff and administrators, including school nurses, will receive training regarding the implementation of students' individual education plans, Section 504 plans, emergency care plans, and other individual health care plans with respect to field trips and other out-of-school activities.

IV. REPORTING PROVISIONS

- A. Within 45 days of the date of this agreement, the district will provide a report to OCR that contains a draft of the revised policies and procedures pursuant to section III.A, above. OCR will review and approve the operational procedures and exhibits or notify the district whether operational procedures and exhibits require any additional revisions. If revisions are required, the district will make the revisions and re-submit the operational procedures and exhibits to OCR for review and approval 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 30 days after receiving approval from OCR regarding the revised operational procedures and exhibits, the district will provide OCR with a report confirming that the district adopted the approved operational procedures and exhibits, including documentation that provides the dates the changes were made.
- C. Within 30 days after providing notice of the revised operational procedures and exhibits and completing the training specified in section III.B, above, the district will provide OCR with a report confirming these two steps. Specifically, the district will provide the date and method of communication used to distribute the revised operational procedures and exhibits to high school staff and administrators. The operational procedures and exhibits are on the district's website, www.yakimaschools.org. With respect to the training, the district will provide OCR with a report of the date of the training, the name of the

