

RESOLUTION AGREEMENT

I. INTRODUCTION

Seattle School District No. 1 (“the district”) enters into this agreement to resolve the compliance issue (Issue No. 2) identified by the U.S. Department of Education’s Office for Civil Rights (OCR) through its investigation of a complaint against the district (OCR Reference No. 10121283), and to voluntarily resolve a second issue (Issue No. 1). Both issues allege violations of section 504 of the Rehabilitation Act of 1973 (“Section 504”) and the regulations that implement that statute at 34 C.F.R. Part 104 and of title II of the Americans with Disabilities Act of 1990 (“Title II”) and the regulations that implement that statute at 28 C.F.R. Part 35.

II. GENERAL

- A. This agreement resolves the only compliance concern identified by OCR and the allegation the district expressed an interest in voluntarily resolving. This agreement does not constitute an admission by the district of any violation of Section 504 or Title II or any other law.
- B. 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 employees and students and request such additional reports and 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 at 34 CFR 104.33 and 104.35 and with the Title II regulation at 28 CFR 35.130(a), the regulations at issue in the complaint.
- C. 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 CFR 104.33 and 104.35 and with the Title II regulation at 28 CFR 35.130(a).
- D. 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 CFR 100.9 and 100.10), or judicial proceedings to enforce this agreement, OCR shall give the district written notice of the alleged breach and 60 calendar days to cure the alleged breach.

III. REMEDIAL ACTIONS

A. ADA Coordinator

By September 30, 2015, the district will designate at least one employee to coordinate its compliance with Title II regarding students. If the district deems it appropriate, nothing in this agreement prohibits the Student ADA Coordinator from being the same person as the Student Section 504 Coordinator.

B. Policies and Procedures

1. For OCR's comment and approval, by September 1, 2015, the district will review and revise, as necessary, its policies and procedures to ensure that the district acts in a timely manner on requests for Assistive Technology Evaluations (ATEs) for students with disabilities.
2. For OCR's comment and approval, by December 1, 2015, the district will review and revise, as necessary, its policies and procedures to ensure that the district provides: (1) its disabled students communications that are as effective as communications provided for others; and (2) appropriate related aids and services where necessary to afford them an equal opportunity to participate in, and enjoy the benefits, services, programs or activities offered by district.
3. Within 90 calendar days of receiving OCR's comments about the draft policies and procedures reviewed and, if necessary, revised, pursuant to sections III.B.1 and 2 of this agreement, the district will incorporate OCR's comments and adopt and implement the policies and procedures.

C. Training and Notice

1. Within 120 calendar days of adopting and implementing the policies and procedures pursuant to section III.B.3 of this agreement, the district will provide training to special education, Title II and Section 504 administrators and other appropriate district employees about the district's responsibilities under Section 504, Title II, and the district's policies and procedures adopted pursuant to section III.B.3 of this agreement.

Within 60 calendar days of adopting and implementing the policies and procedures pursuant to section III.B.3 of this agreement, the district will take steps to notify all parents and guardians of students with disabilities eligible for services under Section 504 or the IDEA about those policies and procedures.

D. Remedies for Subject Student

1. By December 1, 2015, the district will consult with the student's parent and will determine, on an individual basis, what auxiliary aids or services will provide effective communication to the student for communicating with the student's parent from school on the telephone, or with another appropriate aid or service, in such a way as to protect the privacy and independence of the student and in a manner that does not unnecessarily disclose the nature of the student's disability. In making its determination, the district will consider the communication used by the student, the nature, length, and complexity of the communication involved, and the context in which the communication is taking place, and will give primary consideration to the particular auxiliary aid or service requested by the student and/or on his behalf by the student's parent. The district will also consider the number of people involved in the communication, the expected or actual length of time of the interactions, the content and context of the communication, and the degree of privacy and independence accorded to nondisabled students. The district will promptly notify the parent of its determination and provide the appropriate aids and services to the student by December 18, 2015.

2. By October 15, 2015, the district will convene the student's IEP team to determine whether any compensatory education should be provided to the student to remedy the effects, if any, of the district's delay in performing the student's ATE. The student's parent will be invited to participate in this team meeting. If the team determines that compensatory education should be provided to the student, the team will prepare a plan for providing the appropriate services. The district will promptly offer the compensatory education services deemed appropriate by the team to the student's parent. If the student's parent agrees to the services offered the district shall begin providing the services within 45 days of when the parent accepts the services.

IV. REPORTING

- A. By February 1, 2016, the district will provide OCR with a detailed report about the actions it took pursuant to section III.A.1 of this agreement.
- B. By September 1 and December 1, 2015, respectively, the district will provide OCR, for OCR's comment and approval, the policies and procedures reviewed and revised, if necessary, pursuant to sections III.B.1 and 2 of this agreement.
- C. As promptly as possible, OCR will provide comments to the district about the policies and procedures submitted pursuant to section IV.A of this agreement.
- D. Within 30 calendar days of the district's adoption and implementation of the policies and procedures pursuant to section III.B.3 of this agreement, the district will provide a detailed report to OCR about the adoption and implementation of those policies and procedures, including copies of those policies and procedures.
- E. Within 30 calendar days of conducting the training required by section III.B.1 of this agreement, the district will provide OCR with a detailed report about the training. The report will include a description of the training, the training agenda, the length of the training, the qualifications of the individual or individuals who provided the training, and a list of the training attendees and their position titles and departments.

- F. Within 30 calendar days of disseminating the notice required by section III.C.2 of this agreement, the district will provide OCR with a detailed report about the notice. The report will include a description of the method or methods the district used to distribute the notice, the date of the notice dissemination, and a copy of the notice.
- G. By February 1, 2016, the district will provide OCR with a detailed report about the determination it made and the actions it took pursuant to section III.D.1 of this agreement.
- H. By February 1, 2016, the district will provide OCR with a detailed report about the IEP team meeting held pursuant to section III.D.2 of this agreement. The report will include a description of the results of the IEP team meeting, the compensatory education plan, if any, IEP team members' notes from the IEP team meeting, and copies of all written communications between the student's parent and district employees regarding the IEP team meeting.
- I. If compensatory education services are deemed necessary by the student's IEP team at the meeting held pursuant to section III.D.2 of this agreement and are offered to and accepted by the student's parent, within 30 days of completion of the compensatory services to the student, the district will provide OCR a report on the compensatory services that includes a description of the services provided, when they were provided, and by whom.

Signed:

_____/s/_____
Dr. Larry Nyland
Superintendent
Seattle Public Schools

July 27, 2015
Date

_____/s/_____
Linda Mangel
Director
OCR Seattle Office

August 26, 2015
Date