



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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January 17, 2014

Mr. Jose Banda
Superintendent
Seattle School District No. 1
P.O. Box 34165
Seattle, Washington 98124-1165

Re: Seattle School District No. 1
OCR Reference No. 10131106

Dear Superintendent Banda:

The U.S. Department of Education, Office for Civil Rights (OCR) has resolved the above-referenced discrimination complaint against Seattle School District No.1. The complaint alleged that: (1) the district discriminated against a Native American student, on the basis of disability, by failing to consistently implement the student's Section 504 plan during the 2012-2013 school year; and (2) the district's failure to implement the student's Section 504 plan was based on the student's race/national origin.

OCR accepted this complaint for resolution under the authority of OCR enforces section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act of 1990, and title VI of the Civil Rights Act of 1964. These laws prohibit disability and race, color, and national origin discrimination in programs and activities receiving federal financial assistance from the U.S. Department of Education and by public entities, respectively. The district receives federal financial assistance from this Department and is a public entity.

With respect to allegation No. 1, regarding discrimination on the basis of disability, OCR is discontinuing its investigation of this allegation because the district has agreed to take the actions set forth in the enclosed Voluntary Resolution Agreement (agreement), which, when fully implemented, will resolve the issue raised by this allegation. OCR will monitor the implementation of the agreement and will close the complaint when OCR determines that the terms of the agreement have been satisfied.

With respect to allegation No. 2, regarding discrimination on the basis of race/national origin, OCR determined that the evidence did not support a conclusion that the district failed to comply with Title VI. OCR's findings of fact and conclusions, set forth below, are based upon information and documents provided by the complainant and the district.

Findings of Fact, Analysis and Conclusion

The issue investigated was whether the district discriminated against the student on the basis of race/national origin by failing to consistently implement the student's Section 504 plan during the 2012-2013 school year.

OCR found that during the 2012-2013 school year, the student was enrolled in the 4th grade at XXXXXXXXXXXXXXXXXXXX under a Section 504 plan. The student was identified as XXXXXXXXXXXXXXXXXXXX. The student is XXXXXXXXXXXXXXX.

It is the position of the complainant that the district did not consistently implement the student's Section 504 plan because the student is Native American. The complainant was unable to identify any specific examples of similarly-situated non-Native American students who were treated differently than the student or provide any other information to support the assertion of race/national origin discrimination, other than the allegations related to failing to implement the student's Section 504 plan and the low number of Native American students in the school.

It is the position of school staff interviewed by OCR that the student was not treated differently than any other students with respect to the implementation of his Section 504 plan. School staff specifically denied that the student was treated differently because he is Native American. OCR's review of data provided by the district, which included numerous e-mail communications between district administrators, the student's teachers and the student's guardian, did not suggest that the student was treated differently than other students based on his race/national origin.

The regulation implementing Title VI at 34 CFR 100.1 provides that no person shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any programs or activity receiving federal financial assistance from the U.S. Department of Education.

Because the evidence is insufficient to conclude that the district treated the student differently on the basis of national origin, OCR has determined that the evidence does not support a conclusion that the district failed to comply with Title VI with respect to the issue investigated.

This letter sets forth OCR's determination in an individual OCR case and should not be interpreted to address the district's compliance with any other regulatory provisions or to address any issues other than those addressed in this letter. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

Please be advised that the district may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the complainant may file another complaint alleging such treatment. The complainant may also have the right to file a private suit in federal court whether or not OCR finds a violation.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Thank you for the cooperation that you and your staff extended to OCR staff in resolving this complaint. We look forward to receiving the district's first monitoring report by May 15, 2014. If you have any questions, please feel free to contact Tania Lopez, Attorney, by telephone at (206) 607-1623, or by e-mail at tania.lopez@ed.gov.

Sincerely,

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Barbara Wery
Team Leader

Enclosure: Voluntary Resolution Agreement

cc: Honorable Randy Dorn, Superintendent of Public Instruction