

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

Seattle School District (District) enters into this agreement to resolve the allegations in a complaint (Reference No. 10131106) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under section 504 of the Rehabilitation Act of 1973 (Section 504) and title II of the Americans with Disabilities Act of 1990 (Title II).

II. GENERAL PROVISIONS

- A. This agreement resolves the allegations in OCR Reference No. 10131106 and does not constitute an admission by the District of any violation of Section 504, or Title II.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10131106 based upon the District's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in this case.
- C. 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.
- D. 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, 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 regulation implementing Section 504 and Title II 34 CFR 104.33 and 28 CFR 35.130, which were at issue in this case.

- E. 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.

III. RESOLUTION PROVISIONS

A. Procedures and Practices

By April 15, 2014, the District will review and revise, as necessary, its Section 504 and special education procedures and practices implemented at XXXXXXXX Elementary School (XXXXXX) to ensure that XXXXX implements all provisions contained in individualized education plans (IEPs) and Section 504 plans. Specifically, the District will ensure that XXXXXXXX's procedures and practices comply with the Section 504 regulations at 34 CFR 104.33, including the obligation to consistently provide all services listed in IEP's and Section 504 plans unless a placement decision consistent with the procedural requirements of Section 504 has been made that a particular service is no longer necessary or appropriate.

B. Notice to Staff

By April 15, 2014, the District will provide written notice to all instructional and administrative staff at XXXXXXXX Elementary School that the District is committed to complying with Section 504 and Title II. This notice will include a description of any changes to the school's Section 504 and special education procedures and practices that were identified in the District's review consistent with section III.A above. This written notice will also include hypothetical examples of IEP/504 plan implementation situations that could result in compliance concerns under Section 504 and Title II. The notice should inform staff that in such situations, the issue(s) should be promptly reported to school or District administrators. The notice will also state that school or District administrators will take responsive action to ensure that such issues are resolved as promptly as possible, which may include convening a multidisciplinary team.

C. Student-Specific Remedies

1. By February 15, 2014, the District will complete an adaptive/assistive technology assessment/consultation of the student who was the subject of the referenced complaint to determine the nature and duration of services

that are necessary to address the student's disability-related needs in order to provide an equal opportunity to participate in school or in order to provide a free appropriate public education (FAPE.)

2. By March 1, 2014, the student's multidisciplinary team will review the adaptive/assistive technology assessment/consultation and the student's most recent evaluation that was conducted to determine the student's disability-related needs for special education and/or related aids and services. This review will identify the specific services and technological equipment, if applicable, that will be provided to the student to address his disability-related needs in order to provide an equal opportunity to participate in school or in order to provide FAPE. The identified services and technological equipment, if applicable, will be documented in a Section 504 plan or IEP.
3. By April 10, 2014, if agreed to and signed off by XXXXX, the District will begin implementation of the student's Section 504 plan or /IEP.
4. By April 10, 2014, the District will develop and implement a plan to ensure that regular communication is provided to the student's XXXXXXXX regarding the student's needs and progress. This plan may be included in the student's 504 Plan or IEP, or may be independent of these plans. This plan will include a description of (a) the type of information that will be provided to the XXXX; (b) the frequency by which this communication will be provided; (c) the method of communication (such as e-mail, postal mail, or phone call); and (d) how the communication will be documented for verification purposes.
5. By April 10, 2014, the District will develop and implement a plan to ensure that the provisions included in the student's Section 504 plan or IEP are consistently implemented. This plan may be included in the student's 504 Plan or IEP, or may be independent of these plans.

IV. REPORTING PROVISIONS

- A. By May 15, 2014, the District will provide OCR with a copy of the policies or procedures it reviewed, and, if necessary, revised under section III.A.
- B. Within 20 days of receiving OCR's input regarding the policies, the District will provide OCR with revised policies and procedures that are responsive to OCR's input, if necessary.

- C. By May 15, 2014, the District will provide OCR a copy of the written notice given to staff at XXXXX as described in section III.B.
- D. By May 15, 2014, the District will provide OCR with a copy of the adaptive/assistive technology assessment/consultation conducted pursuant to section III.C.1, and a description of the specific services and technological equipment, if applicable, that will be provided to the student to address his disability-related needs pursuant to section III.C.2 and 3.
- E. By May 15, 2014, the District will provide OCR with a copy of the plan that was developed pursuant to section III.C.4 to ensure that regular communication to the student's XXXX, and a copy of the plan to monitor the implementation of the student's plan pursuant to section III.C.5.

Signed:

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Mr. Jose Banda
Superintendent
Seattle School District No. 1

____January 13, 2014____
Date