

## **VOLUNTARY RESOLUTION AGREEMENT**

### **I. INTRODUCTION**

The Tacoma School District No. 10 (District) enters into this voluntary resolution agreement (Agreement) to resolve the allegation in a complaint, OCR Reference No. 10131136 (the “Complaint”), 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 allegation in the Complaint and does not constitute an admission by the District of any violation of Section 504, Title II, or any other law.
- B. OCR agrees to discontinue its investigation of the Complaint based upon the District’s commitment to take the actions specified in this Agreement which, when fully implemented, will resolve the allegation in this Complaint.
- C. The District understands 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 100.9-100.10, and 28 CFR 35.173), or judicial proceedings to enforce this agreement, OCR will 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 and its schools, 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 at 34 CFR 104.4, and Title II at 28 CFR 35.130 and 35.160, which were at issue in this Complaint.
- 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 at 34 CFR 104.4, and Title II at 28 CFR 35.130 and 35.160, which were at issue in this Complaint.

### **III. RESOLUTION PROVISIONS**

#### **A. Policies and Procedures**

##### **1. District Policies and Procedures**

By July 15, 2014, the District will take appropriate steps to ensure that its communications with blind or visually impaired parents are as effective as communications with nondisabled parents, including (a) furnishing appropriate auxiliary aids and services when they are necessary to afford blind or visually impaired parents an equal opportunity to participate in and enjoy the benefits of the District's services, programs, and activities, and (b) making reasonable modifications to its policies, procedures, and practices when they are necessary to avoid discrimination against blind or visually impaired parents.

Auxiliary aids and services include, but are not limited to, taped texts, audio recordings, Brailled materials and displays, large print materials, accessible electronic and information technology, or other effective methods of making visually delivered materials available to individuals who are blind or who have low vision.

The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individuals with disabilities; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. In determining what types of auxiliary aids and services are necessary, the District will give primary consideration to the requests of the individuals with disabilities. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the blind or visually impaired parents.

The District is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a District service, program, or activity, or undue financial and administrative burdens. The District has the burden of proving that providing effective communication or an auxiliary aid or service would result in a fundamental alteration or undue burden, in accordance with the requirements identified at 28 CFR 35.164, and/or that making a modification would fundamentally alter the nature of the District service, program, or activity, in accordance with 28 CFR 35.130(b)(7).

**2. District's review of XXXXX School Practices**

By July 15, 2014, the District will review XXXXX School practices to ensure that they adhere to the District's policies and procedures regarding the provision of effective communication and appropriate auxiliary aids and services.

**B. Notice and Training**

1. By February 10, 2014, the District will provide parents and staff at XXXXX School with relevant information about how the district communicates with disabled parents as effectively as it communicates with nondisabled parents, and that the District will furnish appropriate auxiliary aids and services, such as access to written materials, and makes reasonable modifications to policies, procedures, and practices when they are necessary to afford disabled parents with an equal opportunity to participate in and enjoy the benefits of the District's services, programs, and activities. The information will include the name, address, and telephone number of the designated employee responsible for responding to requests and concerns about auxiliary aids and services for disabled parents. At a minimum, the information will be posted on the bulletin board and in the main office of XXXXX School, and published in the next XXXXX School newsletter.
2. The District affirms that it has scheduled training for XXXXX School employees who implement the school's procedures regarding the provision of effective communication, appropriate auxiliary aids and services, and reasonable modifications. The training will review, as appropriate, the person's responsibilities, the policies and procedures described under Section III.A, the effective communication requirements of Section 504 and Title II, and the name and contact information of the designated employee.

**C. Individual Remedy**

**1. School Communications with the Complainant**

- (a) Beginning January 1, 2014, the District will provide the Complainant with the student's progress reports, any class assignment lists, and other school-to-parent written communications and materials in a screen reader accessible format. The accessible communications and materials will be provided to the Complainant in the same timeframe that the written communications and materials are provided to nondisabled parents. In the event that an

emergency or other unusual event prevents the District from providing the information in a screen reader accessible format, the District will utilize another means of effective communication with the Complainant (such as telephone calls, accessible e-mail messages, etc.) to provide the information on the same day as it is provided to nondisabled parents.

- (b) By January 1, 2014, after consulting with the XXXXX School principal and other staff as needed, the District will provide the Complainant with copies of the student's written school work in a screen reader accessible format whenever parents are requested or expected to: review and/or sign for their child's school work (a.k.a. "Work Sent Home"), review school work with their children who are struggling in coursework, or otherwise be involved in their children's school work (e.g., in accordance with District Policy No. 2422 and Regulation 2422). The accessible school work will be provided to the Complainant in the same timeframe that written school work is provided to nondisabled parents. In the event that an emergency or other unusual event prevents the district from providing the written work in a screen reader accessible format, the District will utilize another means of effective communication with the Complainant (such as telephone calls, accessible e-mail messages, etc.) to provide the information contained in the written work on the same day as it is provided to nondisabled parents.

## **2. Contact Person**

The District states that its designated employee will continue to act as the contact person for the Complainant regarding his communication concerns. The designated employee will work with appropriate XXXXX School staff and advise them of what information needs to be provided to the Complainant in a timely and accessible manner, and will monitor staff practices for providing required written parent communications and school work to the Complainant.

## **IV. REPORTING PROVISIONS**

### **A. Policies and Procedures**

#### **1. District Policies and Procedures**

By July 15, 2014, the District will submit to OCR the policies and procedures that it has revised pursuant to Section III.A.1, if any. If the District revises any policies and procedures in accordance with Section III.A.1, above, then within 90 calendar days of receiving OCR's feedback, the District will address the feedback and will provide OCR with a report that documents its adoption of the revised policies and procedures, including a copy of the final policies and procedures, minutes from board of directors meetings, and other official District communications.

**2. District's Review of XXXXX School Practices**

By July 15, 2014, pursuant to Section III.A.2, the District will submit a report regarding its actions to review, revise, and adopt practices at XXXXX School.

**B. Notice and Training**

By February 10, 2014, the District will provide OCR with a summary of its actions required under Sections III.B.1 and III.B.2, including a copy of the information provided by the District and a description of how and where the information was disseminated and published; and a description of the training(s) provided by the assistant general counsel and/or disability accommodation officer, and a list of the employees who attended the training(s).

**C. Individual Remedy**

**1. School Communications with the Complainant**

- (a) By February 10, 2014, and July 15, 2014, pursuant to Section III.C.1(a), the District will provide OCR with a description of the information sent to the Complainant in a screen reader accessible format, or other effective means; and a description of the information sent to nondisabled parents during the same term. The descriptions will be sufficiently detailed for OCR to discern whether the District has implemented Section III.C.1. The District will also provide documentation, such as representative samplings of sent materials, showing that the information was provided in a screen reader accessible format.
- (b) By February 10, 2014, pursuant to Section III.C.1(b), the District will submit information regarding its consultation with the XXXXX School principal and other necessary staff. The information will include an explanation of the expectations and/or requirements (e.g.,

in accordance with District Policy No. 2422 and Regulation 2422) for parental involvement in the student's fifth grade class and school work. The information will specify whether parents are expected to review and/or sign for their child's work; review school work with their children who are struggling in coursework; and/or otherwise be involved in their children's work. The information will also include copies of any communications sent to parents regarding the fifth grade classroom expectations, and student and parent orientation.

- (c) By February 10, 2014, and July 15, 2014, pursuant to Section III.C.1(b), the District will provide OCR with a description of the school work sent to the Complainant in a screen reader accessible format, or other effective means; and a description of the school work sent to nondisabled parents during that same term. The descriptions will be sufficiently detailed for OCR to discern whether the District has implemented Section III.C.1. The District will also provide documentation, such as representative samplings of sent materials, showing that the school work was provided in a screen reader accessible format.

**2. Contact Person**

By February 10, 2014, pursuant to Section III.C.2, the District will provide confirmation that the Complainant has been informed of the designated representative's responsibilities and her contact information.

**Signed:**

\_\_\_\_\_  
XXXXXXXXXX  
Assistant Superintendent of Human Resources  
Tacoma School District No. 10

\_\_\_\_\_  
November 8, 2013  
Date