



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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September 19, 2014

Mr. Joel Aune
Superintendent
Snoqualmie Valley School District No. 410
P.O. Box 400
Snoqualmie, Washington 98065

Re: Snoqualmie Valley School District No. 410
OCR Reference No. 10141176

Dear Superintendent Aune:

This is to inform you that the U.S. Department of Education, Office for Civil Rights (OCR) is discontinuing its investigation of the above-referenced discrimination complaint against the Snoqualmie Valley School District No. 410 (the district). As explained below, prior to completion of OCR's investigation, the district expressed an interest in voluntarily resolving the complaint and signed the enclosed Voluntary Resolution Agreement (agreement) to address the complaint allegations.

The complaint alleges that the district discriminated against a student, on the basis of disability, by denying the student a free appropriate public education. Specifically, the complaint alleges that during the 2013-2014 school year:

1. the student did not receive educational instruction in the classroom, and was instead placed in the school's main office or counseling office to complete work for significant periods of time throughout the school day from January 2014 through March 2014;
2. the district did not conduct a team meeting or follow the procedural requirements of Section 504 prior to placing the student outside of the classroom;
3. the provisions of the student's Section 504 plan were not fully implemented because the student was not receiving educational instruction in the classroom; and

4. the district did not re-evaluate the student or revise the student's Section 504 plan after it had reason to believe that the student's individual educational needs were not being met as adequately as the need of non-disabled students.

OCR accepted this complaint for resolution under the authority of section 504 of the Rehabilitation Act of 1973 and title II of the Americans with Disabilities Act of 1990. These statutes prohibit disability discrimination in programs and activities receiving federal financial assistance from the U.S. Department of Education and by public entities, respectively. The district is a recipient of federal financial assistance from this Department and is a public entity.

The regulation implementing Section 504 at 34 CFR 104.33(a) requires a school district that operates a public elementary or secondary education program to provide a free appropriate public education to each qualified student with a disability within its jurisdiction. An appropriate education is defined as the provision of regular or special education and related aids and services that (1) are designed to meet the individual educational needs of disabled students as adequately as the needs of non-disabled students are met, and (2) which are based upon an adherence to Section 504 procedures. The applicable Title II regulatory provision is set forth at 28 CFR 35.130 and is interpreted consistent with the provisions of Section 504 mentioned above.

The investigation to date indicated that during the 2013-2014 school year, the student was receiving classroom modifications under a Section 504 plan after having received more specialized instruction for social/behavioral issues during the preceding school year. The data showed that in an effort to address the student's behavior during the spring of 2014, the student spent some periods of the day in the counselor's office to do school work, and was then homeschooled by the parents for the remainder of the day. The information gathered to date indicates that some decisions regarding the student's placement during the 2013-2014 school year may not have been made consistent with the procedural requirements of Section 504.

In accordance with Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved at any time when, before the conclusion of an investigation, the institution expresses an interest in resolving the complaint. In such a case, the provisions of an agreement to resolve the complaint must be aligned with the complaint allegations or any information obtained during the discontinued investigation and must be consistent with applicable regulations. In this case, the district requested to resolve the complaint prior to the conclusion of OCR's investigation. Subsequent discussions with the district resulted in the district signing the enclosed agreement.

The actions the district will take under the agreement include a review of the procedures and practices at all district schools to ensure that students with disabilities are provided with all

services listed in Section 504 plans and individualized education 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. The district will also complete a comprehensive evaluation of the student who was the subject of the referenced complaint if the student enrolls in a district program during the 2014-2015 school year, and will determine whether any compensatory education services are necessary.

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. The first report under the agreement is due by October 15, 2014.

Thank you for the cooperation that you and your staff extended to OCR staff in resolving this complaint. If you have any questions, please feel free to contact Tania Lopez, Senior Attorney, by telephone at (206) 607-1623, or by e-mail at tania.lopez@ed.gov.

Sincerely,

Barbara Wery
Team Leader

Enclosure: Voluntary Resolution Agreement

cc: Randy Dorn, Superintendent of Public Instruction
Karr Tuttle Campbell, Attorneys at Law