

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

Wenatchee School District (“district”) enters into this agreement to resolve the allegations in a complaint (Reference No. 10141382) 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. 10141382 and does not constitute an admission by the district of any violation of Section 504, Title II or any other law. The district specifically denies the allegations in OCR Reference No. 10141382.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10141382 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’s campus or place of business, 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 and Title II.
- 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 – 104.36, with respect to the issues raised in the complaint.

III. RESOLUTION PROVISIONS

A. Policies and Procedures

In consultation with OCR (as described in the reporting section, below), the district will review and revise, if necessary, its written policies, procedures, and practices to ensure that:

1. The district has an effective procedure to identify transfer students who had an IEP or Section 504 plan from a previous school, and a method to ensure those students are evaluated as necessary in a timely manner to ensure they receive a free appropriate public education at their new school;
2. The district gathers all evaluative information necessary to determine a student's disability-related needs when developing a Section 504 plan or IEP for the student, and that in interpreting the evaluation data and in making placement decisions, the district shall
 - 1) draw upon information from a variety of sources as appropriate;
 - 2) establish procedures to ensure that information obtained from all such sources is documented and carefully considered; and
 - 3) ensure the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options;
3. When a student is suspended or expelled for more than 10 consecutive school days, or has a series of shorter term suspensions that combine to more than 10 school days and constitute a pattern of exclusions, the district will conduct an evaluation to determine whether the student's misconduct is a manifestation of the student's disability. If the misconduct is not a manifestation of the student's disability, the student may be excluded in the same manner as similarly-situated non-disabled students are excluded. If the misconduct is a manifestation of the student's disability, the student will not be subject to the disciplinary removal over 10 school days or the pattern of exclusion, and the student's evaluation shall continue

to determine whether the student's current educational placement is appropriate;

4. The district provides disabled students with an equal opportunity to participate in field trips, and the district will not place requirements on a disabled student's participation in field trips that it does not place on non-disabled students, unless the requirement is determined as necessary following the procedures in Section 504 regulations at 34 CFR 104.33 – 104.36.

B. Notice and Training

Within 90 school days of receiving approval from OCR of the revised policies and procedures as described in the reporting section below, the district will:

1. Provide written notice of the policies and procedures to all district employees. The district will also update any printed materials and website information, as necessary, to incorporate changes made to the policies and procedures.
2. Provide training to the teachers and administrators at XXXXXX XXXXXX School regarding the policies and procedures.

C. Parent/Student-Specific Provisions

1. Within 30 school days after the date of this agreement, the district will send a letter of regret to the student's mother that outlines the steps the district is taking under this agreement. The letter will also state the district's commitment to provide the subject student with a free appropriate public education.
2. Within 30 school days after the date of this agreement and after providing proper written notice to the student's parents, a group of knowledgeable persons (i.e. the student's Section 504 team), including the child's parents, will hold a meeting to determine whether the student's Section 504 Plan is currently sufficient to meet the student's disability-related needs. The team will also determine whether the student needs compensatory and/or remedial services as a result of the district's failure to provide appropriate regular and/or

special education or related services during the 2013-2014 school year. In making the compensatory education decision, the team will consider whether the student was removed for disciplinary reasons for more than 10 consecutive school days, or for a series of shorter term disciplinary removals that constituted a pattern of behavior, and whether the misconduct was a manifestation of the student's disability. If the student was removed for more than 10 school days, and the misconduct was a manifestation of the student's disability, the team will offer compensatory education for the amount of time the student missed over the 10-day period. If so, within 1 week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond August 2015. The district will provide the student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

IV. REPORTING PROVISIONS

- A. Within 45 school days from the date of this agreement, the district will provide a report to OCR that contains a draft of the revised policies and procedures pursuant to section III.A, above. OCR will review the policies and procedures and notify the district whether the policies and procedures require any additional revisions. If revisions are required, the district will make the revisions and re-submit the draft policies and procedures to OCR within 20 days of receiving notice of the revisions by OCR. OCR and the district will follow the same procedure until OCR approves the policies and procedures.
- B. Within 30 school days after receiving approval from OCR regarding the revised policies and procedures, the district will provide OCR with a report confirming that the district has adopted the approved policies and procedures, including documentation that provides the date and method used to adopt the policies and procedures.
- C. Within 30 school days after providing written notice of the revised policies/procedures and completing the training specified in sections III.B.1-2, above, the district will provide OCR with a report confirming these two steps. Specifically, the district will provide the date and method of communication used to provide notice of the revised policies and procedures to employees pursuant to section III.B.1, above, and

demonstrate that the district made any necessary changes to the district's website and printed materials (e.g. website address and/or copies of printed materials). Additionally, the district will provide information about the training pursuant to section III.B.2, including:

- a. the date of the training,
 - b. the name and qualifications of the trainer,
 - c. copies of the training materials provided to participants,
 - d. a copy of the sign-in sheet of attendees that identifies them by name and title, and if any required staff were unable to attend the training, the report will include information about how and when they will be trained.
- D. Within 45 school days after the date of this agreement, the district will provide OCR with a report containing a copy of the letter the district sent to the parent pursuant to section III.C.1, above.
- E. Within fourteen school days of the holding the meeting pursuant to section III.C.2, above, the district will submit to OCR a report containing a copy of the student's Section 504 Plan that include changes made at the meeting, if any. The report will also include documents supporting the group's decision regarding compensatory education and remedial services. The documentation submitted shall include information showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing compensatory and/or remedial services (if any) to the student. OCR will, prior to approving the district's decision and plan for providing the proposed services, review the documentation to ensure that the district met the procedural requirements of the regulations implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.
- F. If compensatory education or remedial services are provided, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s) within two

weeks of completing the provision of compensatory education and/or remedial services.

Signed:

Brian Flones
Superintendent
Wenatchee School District No. 246

12/03/2014
Date