

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

Seattle School District No. 1 (the District) enters into this agreement to resolve the allegations in a complaint (Reference No. 10141422) 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 (Title II of the ADA).

II. GENERAL PROVISIONS

- A. This agreement resolves the allegations in OCR Reference No. 10141422 and does not constitute an admission by the District of any violation of Section 504, Title II of the ADA, or any other law.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10141422 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), OCR will provide the District with 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 regulations implementing Section 504 at 34 CFR §§ 104.7 and 104.8, and Title II of the ADA at 28 CFR §§ 35.106 and 35.107, 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 is in compliance with the regulations implementing Section 504 at 34 CFR §§ 104.7 and 104.8, and Title II of the ADA at 28 CFR §§ 35.106 and 35.107.
- F. The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the 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.

III. RESOLUTION PROVISIONS

A. Policies and Procedures

The District will develop and submit to OCR for approval new or revised policies and procedures that address Section 504 and Title II of the ADA requirements regarding the provision of accommodations, auxiliary aids and services for communication with deaf and hearing impaired members of the public participating in District activities. The policies will include:

1. The District's commitment to non-discrimination and effective communication with the deaf/hearing impaired community which is as effective as communication with other members of the public that participate in District activities. An explanation that accommodations and auxiliary aids and services are available upon request with no cost to the requester for District activities.
2. The types of communication services that are available for hearing impaired or deaf persons, such as qualified sign language interpreters, note takers, computer aided transcription services, written materials, telephone handset amplifiers, closed and open captioning, closed caption decoders, telecommunication devices for deaf persons (TDD's), video displays and the exchange of written notes.
3. How to request communication assistance.

4. A statement indicating that the types of services available will depend on the length and complexity of the communication, the circumstances, and the needs and desires of the individual requesting assistance. The statement will also clarify that the district will give primary consideration to the choice of auxiliary aids and services requested by the individual with a disability. Primary consideration means that the District must honor the individual's choice unless it can demonstrate that another equally effective means of communication is available or that the use of the means chosen would result in a fundamental alteration to the District's service, program, or activity or is an undue financial and administrative burden.

REPORTING REQUIREMENT A.1: By **March 27, 2015**, the District will submit to OCR for review and approval the communication policies and procedures required by III.A. of this Agreement.

Within 30 days of the District's submission, OCR will review and approve submitted policies and procedures, or provide feedback to the District and set a new date for submission of revised procedures for OCR's review and approval.

REPORTING REQUIREMENT A.2: **Within 20 days of OCR's approval** of the District's communication policies and procedures, the District will formally adopt, publish, and disseminate the policies and procedures. The District will also provide notice of the procedures to members of the public by announcing them, and publishing and maintaining the policies and procedures, on its website. Additionally, the district will regularly and consistently include notice of the procedures for individuals with disabilities to request communication access in announcements about District events.

REPORTING REQUIREMENT A.3: **Within 10 days of publishing and disseminating the communication policies and procedures**, the District will provide OCR with documentation that the approved communication policies and procedures: have been announced, are located on the district's website, and are being referenced in announcements about district events. The documentation will include an explanation of where and when notices were published or distributed, including the URL of the notice(s) on the district's website and copies of any written notices.

B. Notice to District Staff

The District will draft for OCR's approval a notice to all District staff regarding the approved communication policies and procedures. The District notice will include:

1. A statement of the District's commitment to non-discrimination and meeting the needs of the deaf and hearing impaired community in accordance with Section 504 and Title II of the ADA.
2. A statement that it is the responsibility of building and District administrators to act on each request for accommodations, auxiliary aids and services made by deaf/hearing impaired individuals participating in District activities.
3. Explanations of the following:
 - accommodations, auxiliary aids and services are available upon request;
 - the types of services available;
 - how to request assistance; and
 - that the types of services available will depend on the length and complexity of the communication as well as the needs of the individual requesting assistance.
4. Identification of one or more persons in the District knowledgeable about Section 504 and Title II of the ADA to contact if there are questions or concerns about how to respond to requests for accommodations, auxiliary aids and services by name, title, phone number, and email address.

REPORTING REQUIREMENT B.1: Within 10 days of OCR's approval of the communication policy and procedures described in III.A, above, the District will submit a draft notice for OCR's review and approval consistent with the requirements of III.B, above.

Within 30 days of the District's submission, OCR will review and approve submitted policies and procedures, or provide feedback to the District and set a new date for submission of revised procedures for OCR's review and approval.

REPORTING REQUIREMENT B.2: Within 10 days of OCR's approval of the notice, the District will provide an email to District staff on the District's communication policy and procedures. Recipients of the notice will include all central administration, school front office staff, school administrators, and District and site Section 504/Title II coordinators.

REPORTING REQUIREMENT B.3: Within 10 days of sending the notice described in Reporting Requirement B.2, the District will submit to OCR proof that the notice was disseminated. Such documentation may consist of copies of electronic messages, but will include, at a minimum:

- A copy of the notice(s);
- The date and time the notice was provided; and
- A list of the recipients of the notice.

Signed:

Dr. Larry Nyland
Interim Superintendent
Seattle School District No. 1

12/05/2014
Date