

## **VOLUNTARY RESOLUTION AGREEMENT**

### **I. INTRODUCTION**

The Beaverton School District 48J (the district) enters into this agreement to resolve the allegations in a complaint (OCR Reference No. 10151271) 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. 10151271 and does not constitute an admission by the district of any violation of Section 504 or Title II or any other law.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10151271 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 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, at 34 C.F.R. 104.4(a); 28 C.F.R. 35.130(a); 34 C.F.R. 104.4(b)(1)(ii)-(iv); 28 C.F.R. 35.130(b)(ii)-(iv); and, 34 CFR 104.33 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 the ADA at 34 C.F. R. 104.4 (a); 28 C.F.R. 35.130(a); 34 C.F.R 104.4(b)(1)(ii)-(iv); 28 C.F.R. 35.130(b)(ii)-(iv); and 34 CFR 104.33.

### **III. RESOLUTION PROVISIONS**

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

By May 4, 2016, in consultation with OCR as described in the reporting provisions below, the district will review and revise, as necessary, its policies and procedures to ensure that:

1. Students with disabilities are not treated differently from non-disabled students with respect to the length of the school day, unless a shortened school day is determined as necessary to meet the individualized needs of a particular student with a disability, and such decisions are made by a group of persons knowledgeable about the student, the student's disability evaluation data, and the placement options. In particular, the district's policies and procedures will ensure that students in the district's self-contained classrooms will not arrive to class later, or depart earlier, than students in the district's regular education program, due to general transportation schedules for buses serving students in those classrooms.
2. The Individualized Education Programs or Section 504 plans for students with disabilities are fully implemented.

#### **B. Notice and Training**

1. Within 30 days of receiving OCR's approval of the policies and procedures described in section III.A, above, the district will provide notice to all staff regarding the policies and procedures. The notice may be made electronically.
2. By September 2, 2016, the district will provide training to all teachers who teach in its self-contained classrooms that have students utilizing special education transportation, as well as the principals, vice principals, and any special education administrators at each of those schools.

C. Compensatory Education

Consistent with the method described in the reporting provision below, the district agrees to offer 15 hours of compensatory education to each student currently attending school within the district who was in a self-contained classroom and utilizing special education transportation services during the 2014-2015 school year or during the current school year.

**V. REPORTING PROVISIONS**

A. Policies and Procedures

1. By March 4, 2016, the district will provide OCR a copy of its draft revised policies and procedures, which it developed pursuant to section III.A of the agreement, for OCR's review and approval. OCR will review the policies and procedures and notify the district if OCR approves the policies and procedures, or whether OCR identifies any necessary revisions to the policies and procedures. If OCR identifies revisions, the district will submit revised policies and procedures within 30 days of receiving OCR's notice. OCR and the district will repeat this procedure until OCR approves the policies and procedures.
2. Within 30 days of receiving OCR's approval of the revised policies and procedures submitted pursuant to section III.A of the agreement, the district will provide OCR with documentation to substantiate that it has adopted the OCR approved policies and procedures.

B. Notice and Training

1. Within 45 days of receiving OCR's approval of the policies and procedures pursuant to section IV.A, above, the district will submit a report to OCR containing a copy of the notice sent to staff pursuant to section III.B.1, above.
2. By September 9, 2016, the district will submit a report to OCR describing the training provided pursuant to section IV.B.2, above. The report will contain, at a minimum:
  - a. the date and time of the training;
  - b. the name and qualifications of the person providing the training;

- c. a copy of the materials used to provide the training;
- d. a list of staff with position titles who attended the training; and
- e. for any required staff who were not able to attend the training, a description of the district's plan to provide them with the training.

C. Compensatory Education

1. By February 19, 2016, the district will submit to OCR a report containing its plan to offer compensatory education services to students pursuant to section III.C, above. At a minimum, the plan will contain a draft of the notice the district will send to parents/guardians of the students with information about the options for compensatory education for the students, and a specific date not less than 30 days for the parents/guardians to respond to the district if they intend for the student to participate in the compensatory education program. The district will send the letter to the parents/guardians within 14 days after receiving OCR's approval of the letter.
2. Within 14 days after the deadline for parents/guardians to respond to the district's letter described in section IV.C.1, above, the district will provide OCR with a report containing a list of the students that accepted the offer for compensatory education and the district's plan, with completion dates included, for providing the compensatory education.
3. Within 14 days of completing the provision of compensatory education to students, the district will submit a report to OCR containing a summary of the compensatory services provided to all students whose parents accepted the compensatory services. The report will include, at a minimum, the student's name, school of attendance, and dates and amounts of compensatory education provided to each student.

**Signed:**

\_\_\_\_\_/s/\_\_\_\_\_  
Dr. Jeff Rose  
Superintendent  
Beaverton School District 48J

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February 5, 2016  
Date