

SETTLEMENT AGREEMENT

Seattle School District No. 1 (the district) enters into this Settlement Agreement (agreement) to resolve only the compliance issues identified in the investigation of a complaint (OCR Reference No. 10161132) 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).

Action Item A: Policies and Procedures

The district will review and revise, as necessary, its policies and procedures to ensure that as the district receives new information regarding a student's disabling condition, or information about new disabling conditions, it will conduct a timely evaluation as necessary to determine whether the student's placement in regular or special education requires modifications based on the new information. The policies and procedures will ensure that the evaluations are conducted consistent with the procedural requirements of Section 504 at 34 C.F.R. § 104.35, and will state that district staff members are responsible for providing a free appropriate public education to disabled students, consistent with Section 504's requirement at 34 C.F.R. § 104.33 and Title II's requirement at 28 C.F.R. § 35.130.

Reporting Requirements:

- a) By August 1, 2017, the district will provide OCR a draft of its revised policies and procedures, as described above, for OCR's review and approval. If OCR requires any changes to the draft of the revised policies and procedures, the district will make the changes and resubmit a draft of the revised policies and procedures within 30 days of receiving OCR's notice of required edits. OCR and the district will repeat this process until OCR approves the revised policies and procedures.
- b) Within 30 days of receiving OCR's written approval of the revised policies and procedures, the district will provide OCR with documentation to substantiate that it has adopted the OCR approved policies and procedures.

Action Item B: Notice and Training

- 1. Within 30 days of receiving OCR's written approval of the revised policies and procedures described in Action Item A, above, the district will provide notice to all district employees regarding the revised policies and procedures. The notice can be made to district employees electronically.

Reporting Requirement: Within 45 days of receiving OCR's written approval of the revised policies and procedures described in Action Item A, above, the district

will submit documentation to OCR demonstrating its compliance with Action Item B(1), including a copy of the notice sent to district employees.

2. Within 60 days of receiving OCR's written approval of the policies and procedures described in Action Item A, above, the district will train all principals, assistant principals, counselors, school psychologists, and student 504 plan coordinators at Garfield High School regarding the revised policies and procedures.

Reporting Requirement: Within 75 days of receiving OCR's written approval of the policies and procedures described in Action Item A, above, the district will submit documentation to OCR demonstrating its compliance with Action Item B(2), including but not limited to, the dates and length of the training; the name and qualifications of the person providing the training; a copy of the materials used to provide the training; a list of district employees with position titles who attended the training; and for any district employees who were not able to attend the training, a description of the district's plan to provide them with the training.

Action Item C: Student-Specific Actions

1. By August 1, 2017, the district will review any outstanding fees or fines left on the student's account and forgive those fees or fines. The district will notify the parent that the district has forgiven any outstanding fees or fines and provide an accounting to the parent.

Reporting Requirement: Within 14 days of notifying the parent that it has forgiven any outstanding fees or fines, the district will provide documentation to OCR demonstrating its compliance with Action Item C(1).

2. By August 1, 2017, the district will notify the parent of its responsibility for providing a free appropriate public education to disabled students, and include a copy of the student's transcript with the notification. This notification may be delivered by electronic mail.

Reporting Requirement: Within 14 days of sending notification to the parent described in Action Item C(2), the district will provide documentation to OCR of its compliance with Action Item C(2), including a copy of the notification sent to the parent.

Monitoring: General Principles

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 and Title II at which were at issue in this case.

The district understands that OCR will not close the monitoring of this agreement until such time that OCR determines that the district has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.33 and 104.35 and Title II at 28 C.F.R. § 35.130 which were at issue in this case.

The district understands and acknowledges 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.

This agreement will become effective immediately upon the signature of the superintendent or his designee below.

Signed:

/s/

Dr. Larry Nyland
Superintendent
Seattle School District No. 1

May 24, 2017
Date