

# VOLUNTARY RESOLUTION AGREEMENT

## I. INTRODUCTION

Portland School District 1J enters into this agreement to resolve the allegation in a complaint (Reference No. 10161263) 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. RESOLUTION PROVISIONS

### A. Policies and Procedures

1. The district will review and revise, as necessary, its policies and procedures (revised policies) to ensure that 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 will ensure that its policies provide that students with disabilities who receive specialized transportation will not arrive to class later or leave class earlier than the start and end of instructional time for the district's general education program, due to transportation schedules for buses serving those students.
2. Reporting Requirements
  - a. By December 31, 2019, the district will submit to OCR for review and approval a draft of any revised policies developed in accordance with section II.A.1. If OCR requires any changes to the draft of the policies, the district will respond and resubmit the draft of the revised policies within 30 days of receiving OCR's notice of required revisions. OCR and the district will repeat this process until OCR has approved the revised policies.
  - b. Within 60 days of receiving OCR's written approval of the revised policies, the district will provide OCR a report demonstrating the district's adoption and implementation of the revised policies. The report will include the date the revised policies were implemented, the name of the person or group responsible for implementation, and a copy of the adopted revised policies or a link to the online version of the revised policies.

## B. Transportation Plan

1. The district will develop a transportation plan to ensure that students with disabilities who use specialized transportation 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 consistent with Section 504 and Title II regulatory requirements for making such decisions. The proposed transportation plan must ensure that transportation for the disabled students are arriving and departing school grounds at a time that does not require disabled students who receive specialized transportation to arrive to class later or to leave class earlier than general education students, unless their individual education program (IEP) or Section 504 Plan requires such an exception. If the district has already developed a transportation plan during the pendency of the OCR investigation that meets these requirements, it may submit that plan to OCR for OCR's review and approval.
2. Reporting Requirements
  - a. By December 31, 2019, the district will submit a transportation plan developed in accordance with section II.B.1 above, to OCR for its review and approval. If OCR requires any revisions to the proposed transportation plan, the district will make the revisions and resubmit the transportation plan within 30 days of receiving OCR's notice of revisions. OCR and the district will repeat this process until OCR approves the transportation plan.
  - b. Within 60 days of receiving OCR's written approval of the transportation plan, the district will provide OCR with documentation demonstrating its implementation of the transportation plan. The documentation will include each specialized bus route pickup and drop-off times for each school, and a list of all disabled students who will arrive to class later, or leave class earlier, than general education students.

## C. Training

1. If the district determines that revisions to its policies are necessary, the district will provide training to district special service and transportation administrators, school principals, and other appropriate school personnel, such as teachers of students with disabilities who use specialized transportation, regarding the revised policies. If the district determines that the policies do not need revisions then training is not required by this agreement.

## 2. Reporting Requirements

- a. Within 60 days of receiving OCR's written approval of any revised policies, the district will submit to OCR a description of the proposed training for OCR's review and approval. The submission will include, but need not be limited to: the proposed date(s) and time(s) for the training, the name and qualifications of the person who will provide the training, a copy of the materials available to participants at the training, and a list identifying the name and position title of persons who will attend the training. If OCR requires any revisions to the proposed training, the district will make the revisions and resubmit the proposed training within 30 days of receiving OCR's notice of the revisions. OCR and the district will repeat this process until OCR approves the proposed training.
- b. Within 60 days of receiving OCR's written approval of the training, the district will provide documentation to OCR demonstrating that it has provided the training, including the date of the training, a copy of all training materials presented and distributed during the training, and the name and position title of each attendee.

### D. Compensatory Instructional Time

1. The district agrees to offer 8 hours of compensatory education to each student currently attending school within the district who was in a self-contained classroom and utilized special education transportation services during the 2015-2016 school year and, because of transportation provided by the district, received less instructional time than the instructional time received by students attending general education classes at the same school, as reflected by each individual school's general bell schedule. The district will develop and implement a plan to provide the compensatory education. At a minimum, the plan will include the district sending a letter to affected parents and legal guardians of the students with information about the option(s) 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.
2. Reporting Requirement: By September 30, 2019, the district will provide to OCR, for its review and approval, a draft of its plan to offer compensatory education. If OCR requires any changes to the plan, the district will respond and resubmit the plan within 30 days of receiving OCR's notice of required revisions. OCR and the district will repeat this process until OCR has

approved the plan.

3. Within 14 days of receiving OCR's written approval of the plan to provide compensatory education, the district will send a letter to the parents and guardians of the affected students.
4. Reporting Requirement: Within 14 days after the deadline for parents and guardians to respond to the district's letter described in section II.D.1, the district will provide OCR with a report containing a list of the students who accepted the offer for compensatory education and the district's plan, with completion dates included, for providing the compensatory education. The report will also include a list of the students who rejected the offer or failed to respond to the offer.
5. Within 150 days of receiving OCR's written approval of the plan for compensatory education, the district shall implement the plan.
6. Reporting Requirement: Within 14 days of completing the plan for compensatory education, the district will submit a report to OCR containing a summary of the compensatory services provided to all students whose parents and guardians 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.

### **III. GENERAL PROVISIONS**

- A. The district understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner in accordance with the reporting requirements of the agreement. Further, the district understands that during the monitoring of this agreement, if necessary, 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 and obligations of this agreement. Upon the district's satisfaction of the commitments made under the agreement, OCR will close the case.
- B. The district understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this agreement and/or Section 504 and Title II and regulations at 34 C.F.R. §§ 104.4 and 104.33 and 28 C.F.R. §§ 35.130(a) and (b). Before initiating such proceedings, OCR shall give the district written notice of the alleged breach and 60 days to cure the alleged breach.

Signed:

/s/

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Guadalupe Guerrero  
Superintendent  
Portland School District 1J

September 6, 2019

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Date