



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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September 4, 2020

*Via email only to: carlos.chavez@pacificalawgroup.com*

Dr. Jean Shumate  
Superintendent  
Stanwood-Camano School District No. 401  
26920 Pioneer Highway  
Stanwood, WA 98292

Re: Stanwood-Camano School District No. 401  
OCR Reference No. 10161636

Dear Superintendent Shumate:

This is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), is discontinuing its investigation of the above-referenced discrimination complaint against Stanwood-Camano School District No. 401 (district). As explained below, prior to completion of OCR's investigation, the district expressed an interest in voluntarily resolving the complaint and signed the enclosed Voluntary Resolution Agreement (agreement) to address the complaint allegation.

The complainant alleged that the district discriminates against students with disabilities at Stanwood High School by treating them differently on the basis of disability and by denying them a Free Appropriate Public Education (FAPE). Specifically, the complainant alleged that disabled students, including students in the self-contained or life skills classrooms, are denied instructional time when they are dismissed early to load buses before general education students are dismissed.

OCR accepted this complaint for resolution under the authority of Section 504 of the Rehabilitation Act of 1972 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) and their implementing regulations. These statutes prohibit discrimination on the basis of disability in programs and activities that receive federal financial assistance and by public entities, respectively. Because the district is a recipient of federal financial assistance from the Department and is a public entity, it is subject to these federal civil rights laws.

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness  
by fostering educational excellence and ensuring equal access.*

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The regulations implementing Section 504, at 34 C.F.R. § 104.4(a) and (b), prohibit districts, on the basis of disability, from excluding students from participation in, denying students the benefits of, or otherwise subjecting students to discrimination under any program or activity which receives federal financial assistance. Additionally, districts may not provide a qualified person with a disability with an aid, benefit, or service that is not equal to that afforded to others. The regulation implementing Title II, at 25 C.F.R. § 35.130(a), requires that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

The Section 504 regulation, at 34 C.F.R. § 104.33(a) and (b), also require recipients that operate a public elementary or secondary education program or activity to provide a FAPE to each qualified disabled person in the recipient's jurisdiction, regardless of the nature or severity of the person's disability; and defines an appropriate education as the provision of regular or special education and related aids and services that (i) are designed to meet individual educational needs of disabled persons as adequately as the needs of nondisabled persons are met and (ii) are based upon adherence to the procedures in the Section 504 regulation. Title II is interpreted consistently with Section 504 with regard to the provision of a FAPE.

OCR's investigation to date indicated that, during the 2016-2017 school year, students with disabilities who rode specialized buses at Stanwood High School departed school earlier than the buses transporting their general education peers. OCR has identified a concern that the early departure times for the students with disabilities may have resulted in less instructional time for these students than that received by their peers in general education classrooms without an individualized determination that this was appropriate for each student with a disability.

In accordance with Section 302 of the *OCR Case Processing Manual*, a complaint may be resolved at any time when, before OCR issues a final determination, the institution expresses an interest in resolving the complaint and OCR determines that it is appropriate to resolve the issue under investigation through an agreement. In this case, the district requested to resolve the complaint prior to the conclusion of OCR's investigation. In light of the district's willingness to address the concern identified by OCR comprehensively without further investigation, OCR determined that entering into an agreement was appropriate. Subsequent discussions with the district resulted in the district signing the enclosed agreement.

This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

This concludes OCR's investigation of the complaint. The complainant may have the right to file a private suit in federal court regardless of OCR's determination.

Please be advised that the district may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the complainant may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR will monitor the implementation of the agreement and will close the complaint when OCR determines that the terms of the agreement have been satisfied. The first report under the agreement is due by **September 15, 2020**.

Thank you for the cooperation that you and your counsel extended to OCR staff in resolving this complaint. If you have any questions regarding this letter, please feel free to contact Claudette Rushing, Attorney, by telephone at (206) 607-1606, or by e-mail at [claudette.rushing@ed.gov](mailto:claudette.rushing@ed.gov).

Sincerely,

Paul Goodwin  
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement

cc: Reykdal  
e-mail to: [Carlos.Chavez@pacificallawgroup.com](mailto:Carlos.Chavez@pacificallawgroup.com)