

# VOLUNTARY RESOLUTION AGREEMENT

## I. INTRODUCTION

Stanwood-Camano School District No. 401 enters into this agreement to resolve the allegation in a complaint (Reference No. 10161636) 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 Revised 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 September 15, 2020, 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 Revised 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 is 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 September 30, 2020, 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 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.

## 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 and other appropriate school personnel, such as teachers of students with disabilities and bus drivers 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.
- 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 training materials presented and distributed during the training, and the name and position title of each attendee.

D. Compensatory Instructional Time

1. The district will conduct a review of all disabled students who used specialized transportation services for their free appropriate public education (FAPE) at Stanwood High School (school) during the 2016-2017 and 2017-2018 school years to determine if the students received less instructional time than their general education peers, due to transportation schedules for buses serving those students or other administrative reasons. This review will be completed by November 2, 2020. In conducting the review, the district will gather the instructional start and end times for these students at the school during the applicable school year(s), and compare those times to the instructional start and end times for the general education program at the school. In determining the actual instructional start and end times for the students with disabilities who received specialized transportation, the district will consider the bell schedule, the bus pick up/drop off times, information on early releases or late starts provided informally by the teachers, aides, parents, administrators and bus drivers for the school, whether students have a different instructional time or hours provided for in their IEPs, and any other information the district believes could affect the amount of instructional time that was received by these students.
2. Reporting Requirement: By November 2, 2020, the district will provide OCR with a report for its review and approval, documenting the results of the review that the district conducted pursuant to section D (1). The report will contain sufficient information to demonstrate that the district considered each of the

factors described in section D (1) when determining the instructional time received by students with disabilities who used specialized transportation as compared to students in general education classrooms at the school during the 2016-2017 and 2017-2018 school years. The report will identify the students who require compensatory instructional time and the amount of instructional time for each student as calculated by the district along with an explanation as to how the district reached the total amount of compensatory time due to the student. The district may provide copies of student IEPs or other information to OCR to document why some individual students may be receiving or have received appropriate instructional time that reflects a shorter school day than the general bell schedule for the school.

3. For each student eligible for compensatory instructional time as identified in the district's review pursuant to section D (1), the district will develop a compensatory instructional plan. The compensatory instructional plan will include the student's instructional time amount, proposed dates and times of delivery for the compensatory instructional time, the service provider type, and type of instructional services to be given to the student during the compensatory instructional time. If any students will require additional transportation services to access their allotted compensatory instructional time, the plan will also address how and when these students will access the necessary transportation services.
4. Reporting Requirement: Within 60 days of receiving OCR's written approval of the report required by section (D)(2), the district will submit to OCR for its review and approval the proposed compensatory instructional plan for each student identified as needing compensatory instructional time. If OCR requires any revisions to the proposed compensatory instructional plan(s), the district will make the revisions and resubmit the proposed compensatory instructional plan(s) within 30 days of receiving OCR's notice of revisions. The district and OCR will repeat this process until OCR approves the compensatory instructional plan(s).
5. The district will send a written notice to the parent(s) or guardian(s) of all students who are eligible for a compensatory instructional plan to offer the parent(s) or guardian(s) the additional instructional time for the student and describe the method the district will use to provide the compensatory instructional time. The notice will allow the parent(s) or guardian(s) no less than 30 days to accept the district's offer of compensatory instructional time.
6. Reporting Requirements:

- a. Within 15 days of receiving OCR's written approval of the compensatory instructional plan(s), the district will submit to OCR for its review and approval a proposed notice for the parent(s) or guardian(s). If OCR requires any revisions to the proposed notice, the district will make the required revisions and resubmit the proposed written notice within 20 days of receiving OCR's notice of revisions. The district and OCR will repeat this process until OCR approves the notice.
  - b. Within 15 days of receiving OCR's written approval of the notice, the district will send the notice(s) to the parent(s) or guardian(s) by regular, first class mail or e-mail and provide OCR with documentation demonstrating that it has sent the notice.
7. The district will implement the compensatory instructional plan for each applicable student whose parent(s) or guardian(s) accept the district's offer.
8. Reporting Requirement: Within 120 days of sending the notice(s) described in section D (5), the district will provide a report to OCR documenting its implementation of the compensatory instructional plan(s). The report will include at a minimum the dates, times and locations that the compensatory instructional time was provided to students, the name of the attending students, each student's current school of enrollment, a description of what instruction was provided to each students, and the name(s) and qualifications of the service providers. The report will also contain a list of the parent(s) and guardian(s) who declined the district's offer to provide additional instructional time to their student, the parent(s) and guardian(s) contact information, and any reason(s) provided by the parent(s) or guardian(s) for not accepting the additional instructional time.

### **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/

9/3/20

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Dr. Jean Shumate  
Superintendent  
Stanwood-Camano School District No. 401

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Date