

VOLUNTARY RESOLUTION AGREEMENT

The Bellingham School District No. 501 (district) voluntarily agrees to take the following actions to resolve an allegation 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) in OCR Reference No. 10171130.

I. RESOLUTION PROVISIONS

A. Policies and Procedures

1. The district will review and revise its Section 504 policies, procedures, and practices (revised procedures) as needed to ensure that its procedures comply with Section 504 obligations to evaluate a student when a student needs or is believed to need special education and/or related aids and services, including where a request for evaluation is made or information is brought to the attention of the district regarding the student's needs, regardless of whether the request is made or information is provided orally or in writing.
2. **Reporting Requirements:** By December 18th, 2020, the district will submit to OCR for review and approval a draft of its revised procedures developed in accordance with Section I.A.1. If OCR requires any changes to the draft of the revised procedures, the district will make the changes and resubmit the draft of the revised procedures 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 procedures.
3. Within 60 days of receiving OCR's approval of the revised procedures, the district will provide OCR a report demonstrating the district's adoption and implementation of the revised procedures. The report will include the date the revised procedures were implemented and the name of the person or group responsible for implementation.

B. Notice

1. The district will develop a notice to be distributed to all instructional and building-level administrative staff regarding the revised procedures described in Section I.A.1. The notice will include, at a minimum, information regarding the revisions to the district's procedures for evaluating students who may need special education services and/or related aids and services, including that requests for evaluation, whether oral or in writing, must be responded to and that appropriate school personnel must make a clear determination as to whether to refer a student for evaluation upon receipt of such a request.

2. **Reporting Requirement:** By __ December 18th, 2020 _____, the district will provide to OCR, for review and approval, a copy of its notice for staff. If OCR requires any changes to the notice, the district will make the changes and resubmit the notice within 30 days of receiving OCR's required revisions. OCR and the district will repeat this process until OCR has approved the notice.
3. Within 90 days of receiving OCR's approval of its notice for staff and prior to the 2020-2021 school year, the district will distribute the notice to all instructional and building-level administrative staff.
4. **Reporting Requirement:** Within 30 days of distributing the notice, the district will provide OCR with documentation sufficient to demonstrate that it provided this notice to all staff.

C. Student Specific Remedies

1. The district will prepare a letter to the student expressing regret that the district did not respond to the parent's request that the student be evaluated to determine whether he needed special education and/or related aids and services and describing the corrective actions being taken by the district to ensure all students with disabilities receive all special education and/or related aids and services necessary for students to receive a free appropriate public education, including with respect to requests for evaluation of students for special education services and/or related aids and services.
2. **Reporting Requirement:** By __ December 18th, 2020 _____, the district will provide, for OCR's review and approval, a draft of the letter developed in accord with Section I.C.1. If OCR requires any changes to the letter, the district will make the changes and resubmit the letter within 30 days of receiving OCR's notice of required revisions. OCR and the district will repeat this process until OCR has approved the letter.
3. Within 30 days of receiving OCR's approval of the letter, the district will send the letter to the student.
4. **Reporting Requirement:** Within 30 days of sending the letter, the district will provide OCR with a copy of the letter that was provided to the student.

II. **MONITORING PRINCIPLES**

- 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 of this Agreement. Upon the district's satisfaction of the commitments made under this Agreement, OCR will close this 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 their implementing regulations at 34 C.F.R § 104.35 and 28 C.F.R § 35.130. Before initiating such proceedings, OCR shall give the district written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Signed:

/S/

Superintendent or Designee

Date:

September 18, 2020