



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

915 2ND AVE., SUITE 3310
SEATTLE, WA 98174-1099

May 29, 2020

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Via email only to: Calvin.Watts@kent.k12.wa.us

Dr. Calvin Watts
Superintendent
Kent School District No. 415
12033 SE 256th Street
Kent, Washington 98030-6503

Re: Kent School District No. 415
OCR Reference No. 10171188

Dear Superintendent Watts:

This letter is to inform you of the disposition of the above-referenced complaint filed against Kent School District No. 415 (the district) with the U.S. Department of Education (Department), Office for Civil Rights (OCR). The complaint alleged that the district discriminated against individuals with disabilities at the district's Transition Outreach Program (TOP) school, because the doors in the TOP school building are not accessible to individuals with mobility impairments, including TOP students and their parents.

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.

OCR investigated this case under the authority of Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. These laws prohibit discrimination based on disability in programs and activities receiving federal financial assistance from the Department and by public entities, respectively. The district is a recipient of federal financial assistance from this Department and is a public entity.

Section 302 of OCR's *Case Processing Manual* states that a complaint may be resolved at any time when, prior to the point OCR issues a final determination, the recipient expresses an interest in resolving the complaint allegation and OCR determines that it is

appropriate to resolve the complaint allegation with a voluntary resolution agreement. Prior to the conclusion of OCR's investigation, the district expressed an interest in voluntarily resolving the complaint. OCR's investigation to date identified concerns regarding whether the district's TOP school building was accessible to individuals with disabilities with respect to several interior doors used by students and members of the public. Accordingly, OCR has determined that it is appropriate to resolve the complaint with a voluntary resolution agreement.

Subsequent discussions with the district resulted in the district signing the enclosed agreement, which when fully implemented, will resolve the allegation in the complaint. OCR will monitor the implementation of the agreement until the district fulfills the terms of the agreement.

The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation. 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.

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.

Thank you for the cooperation that you extended to OCR in resolving this complaint. If you have any questions about this letter, please feel free to contact Emily Hazen, equal opportunity specialist, at (206) 607-1615 or at emily.hazen@ed.gov.

Sincerely,

Sukien Luu
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement

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cc: Hon. Chris Reykdal, WA Superintendent of Public Instruction
XXXXXXX, Chief School Operations and Academic Support Officer