

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

The Clover Park School District No. 400 (district) enters into this agreement to resolve the allegations in a complaint (OCR Reference No. 10171198) 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), and the regulations that implement those statutes at 34 CFR Part 104 and 28 CFR Part 35.

II. RESOLUTION PROVISIONS

A. Procedures and Practices

1. The district will review and revise, as needed, its Section 504 policies, procedures, and practices (revised procedures) at Carter Lake Elementary School to ensure that all provisions contained in Section 504 plans or individualized education programs (IEPs) that are to be implemented in a resource room setting are consistently provided. Specifically, the district's procedures will ensure all general education teachers and resource room teachers (who provide services to affected students and/or have a need to know) are consistently provided with the Section 504 plans and IEPs of all students who require resource room services, and that specific schedules are developed and followed for all students who require resource room services.

Reporting Requirement: By May 1, 2018, the district will submit to OCR for review and approval a draft of the revised procedures developed in accordance with Section II.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.

2. Within 30 days of receiving OCR's approval of the revised procedures, the district will adopt and implement the new procedures.

Reporting Requirement: Within 30 days of implementing the new procedures, the district will provide OCR a report regarding the adoption and implementation of the new procedures.

B. Notice

The district will provide written notice to all instructional and administrative staff at Carter Lake Elementary School which informs staff of the following:

1. that the district is committed to complying with Section 504 and Title II, including the obligation to consistently provide all services listed in Section 504 plans/IEPs;
2. that staff should promptly report to school and district administrators any concerns regarding the implementation of a student's education program; and
3. that school or district administrators will take responsive action to ensure that concerns regarding proper implementation of a student's educational program are resolved as promptly as possible.

Reporting Requirement:

By May 1, 2018, the district will submit a draft of the written notice to OCR for review and approval. OCR will review the draft notice submitted by the district and notify the district if revisions are required. If OCR requires revisions to the draft, the district will re-submit the revised notice to OCR for review and approval within 30 days of receiving notice of the revisions required by OCR. OCR and the district will follow the same process until OCR approves the district's notice. Within 30 days of receiving OCR's written approval of the written notice, the district will then submit to OCR documentation verifying that the notice has been provided to all instructional and administrative staff at Carter Lake Elementary School, include the names and position titles of all staff who received the notice, and the manner in which it was provided.

C. Student-Specific Actions

1. By May 15, 2018, the district will convene a team of knowledgeable persons to determine whether any compensatory education should be provided to the student to remedy the effects, if any, of any resource room services or accommodations not provided to the student during the 2016-2017 school year under the provisions in the student's 504 Plan/IEP. The student's parents will be invited to participate in this team meeting. If the team determines that compensatory education should be provided to the student, the team will

prepare a plan for providing the appropriate services. OCR will, prior to approving the district's determination and plan for providing the proposed services, review the documentation to ensure that the district met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

Reporting Requirement: By June 15, 2018, the district will submit to OCR, for review and approval, its determination as to whether the student should be provided compensatory education and if necessary, a draft of the plan for providing appropriate services. OCR will review the determination and plan and notify the district if revisions are required. If OCR requires revisions to the determination or plan, the district will re-submit the revised determination or plan to OCR for review and approval within 30 days of receiving notice of the revisions required by OCR. OCR and the district will follow the same process until OCR approves the district's determination and plan. The determination and plan will include:

- a. the name and job title of the individuals who participated in the Section 504/IEP team meeting;
 - b. what information was considered in the determination of whether compensatory education should be provided to the student to remedy the effects, if any, of any services or accommodations not provided to the student during the 2016-2017 school year;
 - c. what compensatory services, if any, were determined to be necessary and offered to the student; and
 - d. if services were offered, the plan for providing the services.
2. If it is determined that compensatory education should be provided, the district will promptly offer the compensatory education services set forth in the plan approved by OCR to the student's parents. If the student's parents agree to the services offered, the district shall provide the services in a timely manner to the student.

Reporting Requirements:

- a. Within 45 days of receiving OCR's approval of the plan, the district will provide OCR a report regarding whether the parents have accepted the compensatory services offered by the district.

- b. Within 30 days of completion of the compensatory services to the student, the district will provide OCR a report on the compensatory services that includes a description of the services provided, when they were provided, and by whom.

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. Further, the district understands that during the monitoring of this agreement, 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 and is in compliance with the regulation implementing Section 504 and Title II at 34 C.F.R. § 104.33 and 28 C.F.R. § 35.130, which were at issue in this case. Upon completion of the obligations under this agreement, OCR shall close this case.

- B. The district understands and acknowledges that, if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this agreement, OCR shall give the district written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Signed:

/s/

March 26, 2018

Deborah LeBeau
Superintendent
Clover Park School District

Date