

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

Spokane School District No. 81 (district) enters into this agreement (agreement) to resolve the allegation in a complaint (OCR Reference No. 10171210) 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 its Section 504 policies, procedures, practices, and related manuals or other guidance documents (procedures), as needed, to ensure they are compliant with the requirements of Section 504 with respect to the evaluation and placement of students who need or are believed to need special education or related aids and services under Section 504. Specifically, in compliance with Section 504, the district will ensure that the procedures:
 - a. address the district's obligations under Section 504 to respond to inquiries from parents or guardians regarding services for students with disabilities;
 - b. address the district's obligations under Section 504 to provide for the relaying of accurate information regarding the definition of disability under Section 504 and Title II;
 - c. address the district's evaluation and placement procedures under Section 504 for determining a student's need for special education or related aids and services and the provision of those services; and
 - d. provide for the evaluation and placement of eligible students who need or are believed to need special education or related aids and services under Section 504 in

a manner compliant with the requirements of the regulation implementing Section 504 at 34 C.F.R. § 104.35.

Reporting Requirements:

2. By June 1, 2018, the district will submit to OCR for review and approval a draft of its procedures developed in accordance with section II.A. If OCR requires any changes to the draft procedures, the district will make the changes and resubmit the draft 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 procedures.
3. Within 60 days of receiving OCR's approval of the procedures, the district will provide OCR documentation demonstrating the district's adoption and implementation of the procedures. The report will include the date the procedures were implemented and the name of the individual(s) responsible for implementation.

B. Notice

1. The district will provide written notice (notice) to all instructional and administrative staff at Woodridge Elementary School (the school) to inform school staff that the district does not discriminate, as prohibited by Section 504 and Title II, on the basis of disability. The notice will include the following:
 - a. That the district is committed to complying with Section 504 and Title II, including the obligation to follow referral and evaluation procedures.
 - b. An explanation of any revisions made to the district's procedures pursuant to section II.A. of the agreement.
 - c. An explanation of corrective actions taken, including but not limited to, notice that:
 - i. referrals must be forwarded to the building 504 coordinator, and that the designated 504 team members must decide whether an evaluation is appropriate;

- ii. inquiries from parents or guardians regarding services for students with disabilities should be responded to in a timely manner; and
 - iii. parents and guardians should be provided with the correct definition of disability under Section 504 and Title II.
- d. The name and contact information for the district's Section 504/ADA coordinator(s), along with instructions to school personnel that they contact the coordinator(s) should they have any questions about the district's obligations to comply with Section 504 and Title II.

Reporting Requirements:

- 2. By June 30, 2018, the district will submit to OCR for review and approval a draft of its notice developed in accordance with section II.B. If OCR requires any changes to the draft of the notice, the district will make the changes and resubmit the notice within 30 days of being notified of OCR's required revisions. OCR and the district will repeat this process until OCR has approved the notice.
- 3. Within 30 days of receiving OCR's approval of the notice or within 15 calendar days of the start of the 2018-2019 school year (whichever is later), the district will provide OCR documentation demonstrating the district's distribution of the notice to staff at the school.

C. Training

- 1. The district will provide training for the teachers, administrators, counselors, and other staff members at the school who are involved in the identification, evaluation, and placement of students with or suspected of having a disability, regarding the procedures developed in accordance with section II.A. The training will include, at a minimum, information about Section 504 and Title II, the district's Section 504/ADA coordinator(s), and the district's procedures concerning the requirements of Section 504 and Title II with respect to the evaluation and placement of eligible students who have or are suspected of

having disabilities requiring special education or related aids and services.

Reporting Requirements:

2. By November 1, 2018, the district will provide to OCR for review and approval a copy of its proposed training for the school's staff developed in accordance with section II.C, including the name and qualifications of the individual(s) conducting the training, the method for providing the training, an outline of the topics to be covered at the training, and a copy of any training materials. If OCR requires any changes to the proposed training, the district will make the changes and resubmit the proposed training within 30 days of receiving OCR's notice of required revisions. OCR and the district will repeat this process until OCR has approved the training.
3. Within 60 days of receiving OCR's approval of the training, the district will provide OCR with documentation demonstrating that it has provided the training to the required school staff members, including a copy of all training materials, documentation of the date of the training, a copy of the attendance sheet, and the name, title, and qualifications of the trainer.

D. Student-Specific Actions

1. By June 15, 2018, the district will provide a letter to the student's parent(s) or guardian(s) describing the district's commitment to provide the student with a free appropriate public education to meet his individual educational needs as adequately as the needs of students without disabilities are met. The letter will also provide notice that the district will be convening a meeting of persons knowledgeable about the student to determine whether the student needs compensatory education and/or remedial services. The letter will invite the student's parent(s) or guardian(s) to participate in the meeting and provide them at least 30 days to respond.

2. Reporting Requirement: By June 30, 2018, the district will provide OCR with a copy of the letter that was provided to the parent.
3. By September 30, 2018, the district will convene a meeting of persons knowledgeable about the student (team), including the student's parent(s) or guardian(s) if they wish to participate, and will determine whether the student needs compensatory education and/or remedial services. If the team determines that compensatory education and/or remedial services are necessary, the team will develop a plan for providing timely compensatory education and/or remedial services to the student. The district will provide the student's parent(s) or guardian(s) notice of the Section 504 procedural safeguards, including the right to challenge the team's determination through an impartial due process hearing.
4. Reporting Requirement: Within 30 days of the meeting required by section II.D.3, the district will submit to OCR, for its review and approval, documents reflecting the team's decision and any compensatory education plan developed. The documentation submitted shall include the names and titles of the participants in the meeting; an explanation of the decisions made; the information considered; a description of and schedule for providing any compensatory education and/or remedial services, if any, to the student; a copy of the plan for providing any such services; and information regarding whether the student's parent(s) or guardian(s) accepted the compensatory services, if any, offered by the district. OCR will 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 its determinations. If OCR has any concerns about the district's compliance with Section 504 with respect to the district's decision and/or plan, the district will address OCR's concerns within 30 days of receiving OCR's notice of any concerns. OCR and the district will repeat this process until OCR has approved the decision and plan.

5. The district will implement the plan and provide compensatory education and/or remedial services, if any, outlined therein to the student.
6. Reporting Requirement: Within 30 days of receiving OCR's approval of the district's decision and plan, the district will provide documentation to OCR reflecting the dates, times and locations that compensatory education and/or remedial services, if any, were provided to the student, a description of what was provided, and the names(s) of the service providers.

III. GENERAL PROVISIONS

- A. The district understands that by signing this agreement, it agrees to provide 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 the 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 the 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 administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the agreement, OCR will give the district written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Signed:

May 23, 2018

_____/s/_____
Dr. Shelley Redinger
Superintendent
Spokane School District No. 81

Date