



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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October 31, 2018

Ms. Carla J. Santorno
Superintendent
Tacoma School District No. 10
601 S. 8th Street
Tacoma, Washington 98401

Re: Tacoma School District No. 10
OCR Reference No. 10181215

Dear Superintendent Davis:

This is to advise you of the resolution of the above-referenced discrimination complaint against the Tacoma School District No. 10 (district). The complaint alleged that the district discriminated against an XXXXXX Elementary School student by failing to evaluate the student for special education services and/or related aids from April 27, 2018 to the present.

As explained below, prior to completion of the U.S. Department of Education (Department), Office for Civil Rights' (OCR) 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 complaint under the authority of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), and their implementing regulations. These statutes prohibit discrimination on the basis of disability in programs and activities that receive federal financial assistance and by public entities, respectively. The district is a recipient of federal financial assistance from this Department and is a public entity; therefore, the district is subject to Section 504 and Title II.

The investigation to date included reviewing documents submitted by the district and the student's parent as well as an interview with the student's parent. Based on its review of this information, OCR identified a concern that the district may have failed to evaluate the student after receiving a request to do so by the student's parent on April 27, 2018.

In accordance with Section 302 of the OCR *Case Processing Manual*, a complaint may be resolved at any time when, before the conclusion of an investigation, the institution expresses an interest in resolving the complaint and OCR determines that it is appropriate to resolve the issues under investigation with an agreement during the course of an investigation. Before OCR completed its investigation with respect to the allegation, the district expressed an interest in voluntarily resolving this case. In light of the district's willingness to address the concern identified by OCR

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comprehensively without further investigation, OCR determined entering into a voluntary resolution agreement was appropriate. Subsequent discussions with the district resulted in the district signing the enclosed agreement.

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.

This concludes OCR's investigation of the complaint. The complainant may have the right to file a private suit in federal court regardless of OCR's determination.

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.

OCR will monitor the implementation of the agreement and will close the complaint when OCR determines that the terms of the agreement have been satisfied. The first report under the agreement is due by November 24, 2018.

Thank you for the cooperation that you and your staff extended to OCR staff in resolving this complaint. If you have any questions, please contact Tina Sohaili, Attorney, at (206) 607-1634 or by e-mail at tina.sohaili@ed.gov.

Sincerely,

Barbara Wery
Team Leader

Enclosure: Voluntary Resolution Agreement

cc: Honorable Chris Reykdal, Superintendent of Public Instruction
XXXXXX, Patterson Buchanan Fobes & Leitch, Inc., P.S. (*via e-mail*)