

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

Tacoma School District No. 10 (district) enters into this agreement to resolve the allegation in a complaint (Reference No. 10181215) 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

1. Within 25 school days of the date of signature below, the district will make a determination of whether or not to evaluate the student for eligibility for special education and/or related aids and services. By this same date, the district will provide the parent of the student with a written notice of the district's decision. If the district determines that an evaluation would be appropriate, the district's written notice to the parent will request written consent to conduct an initial evaluation to determine if the student is eligible for special education and/or related aids and services. If applicable, the written notice will inform the parent that she has 30 days to respond to the request for consent.

Reporting Requirement: Within 30 days of sending the written notice identified in Section II.1 above, the district will provide OCR with a copy of its written notice to the parent. If the district determines that an evaluation would not be appropriate, within 30 days of sending the written notice identified in Section II.1 above, the district will provide OCR a report describing the basis for the decision, including sources of information considered, and the individuals involved in making the decision.

2. If the parent does not provide written consent for an initial evaluation, or the parent fails to respond to a request to provide consent within 30 days, the district may, but is not required to, pursue the initial evaluation of the student by using due process procedures or mediation.

Reporting Requirement: Within 30 days of receiving the parent's consent, refusal to consent, or the passing of the response deadline, the district will provide

OCR with a report explaining whether consent was obtained or whether the timeframe provided by Section II.2 has passed.

3. If the parent provides written consent to evaluate, within 35 school days of receiving the consent, the district will evaluate the student to determine whether the student is eligible for special education and/or related aids and services under Section 504. This evaluation will meet the requirements of the regulation implementing Section 504 at 34 C.F.R. §§ 104.35 (a)-(c) and 104.36.

Reporting Requirement: If applicable, within 30 calendar days of undertaking the actions described in Section II.3, the district will provide the parent and OCR with a report regarding the student's evaluation. The report will include, at a minimum, documents reflecting the names and titles of the participants in the meeting, the tests and evaluation materials used, sources of information considered, and a determination of whether the student is eligible for special education and/or related aids and services.

4. If the student is determined eligible for special education and/or related services, within 30 calendar days of completing the evaluation described in Section II.3, the district will convene a meeting of individuals with knowledge of the student, including the student's parent, to develop an Individualized Education Program (IEP) or Section 504 Plan for the student in accord with the regulation implementing Section 504 at 34 C.F.R. §§ 104.35 (a)-(c) and 104.36.

Reporting Requirement: If applicable, the district will provide the parent and OCR a copy of the student's IEP or Section 504 Plan within the same 30-calendar-day timeframe as applies to the Reporting Requirement under Section II.3.

5. If the district determines that the student is eligible to receive special education and/or related aids and services under an IEP or Section 504 plan, within 10 school days of that determination, the district will provide a letter to the student's parent describing the district's commitment to provide the student with a free appropriate public education to meet her individual educational needs as adequately as the needs of students without disabilities are met and notify the student's parent that the district will be evaluating any adverse impacts to the student's education resulting from the alleged failure to evaluate the student and will inform the student's parent that they may provide information to the district for consideration in this regard. The letter will also provide notice that the district will be convening a group of persons knowledgeable about the student (team) to determine whether the student needs compensatory and/or remedial services as a result of the district's alleged failure to evaluate the student during the 2017-2018

school year. The letter will invite the student's parent(s) or guardian(s) to participate in the meeting. The team's determination of whether the student needs compensatory and/or remedial services will occur during the meeting described in paragraph 5 below.

Reporting Requirement: The district will provide OCR with a copy of the letter that was provided to the student's parent within 5 school days of providing the letter to the parent.

6. If the district determines that the student is eligible for special education and/or related aids and services, within 30 calendar days of making that determination, the district will hold a meeting to determine whether the student needs compensatory and/or remedial services as a result of the district's alleged failure to evaluate the student during the 2017-2018 school year. If the district determines that compensatory and/or remedial services are necessary, within 7 calendar days of its determination, the team will develop a plan for providing timely compensatory and/or remedial services.

Reporting Requirement: Within 14 calendar days of the decision as to whether compensatory and/or remedial services are needed, the district will submit to OCR, for its review and approval, documents supporting the team's decision. The documentation submitted shall include the names and titles of the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services, if any, to the student, a copy of the plan for providing services, and information regarding whether the student's parent(s) or guardian(s) have accepted the compensatory services, if any, offered by the district.

7. Within 30 calendar days of receiving OCR approval, if a determination was made that compensatory and/or remedial services were needed, the district will implement the plan as approved by OCR and commence provision of the compensatory education services outlined therein to the student. The provision of these services will not extend beyond June 18, 2019.

Reporting Requirement: Within 30 calendar days of the student's completion of compensatory and/or remedial services (if determined necessary), the district will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the names(s) of the service providers.

III. GENERAL PROVISIONS

1. This agreement resolves the allegation in OCR Reference No. 10181215.
2. OCR agrees to discontinue its investigation of OCR Reference No. 10181215 based upon the district's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegation in this case.
3. 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 sixty (60) calendar days to cure the alleged breach.
4. 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 to 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.
5. The district understands that OCR will not close the monitoring of this agreement until OCR determines that the district has fulfilled the terms of this agreement.

Signed:

/s/

October 30, 2018

Carla J. Santorno
Superintendent
Tacoma School District No. 10

Date