

## RESOLUTION AGREEMENT

Roseburg School District 4 (the district) enters into this Agreement with the U.S. Department of Education, Office for Civil Rights (OCR) to resolve the allegation of a complaint (OCR Reference No. 10181307) filed with 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 their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35.

### I. REMEDIAL PROVISIONS

#### A. Policy and Procedures

1. The district will review and revise, as necessary, its written policies, and procedures (revised procedures) to ensure that students with disabilities are not treated differently from non-disabled students with respect to the length of the school day, unless a shortened school day is determined as necessary to meet the individualized needs of a specific student with a disability consistent with Section 504 and Title II regulatory requirements for making such decisions. The district's policies and procedures will ensure that students with disabilities who receive specialized transportation will not arrive to class later, or leave class earlier, than the start and end of the school day for the district's general education program, due to transportation schedules for buses serving those students or other administrative non-educational reasons.
2. Reporting Provisions
  - a. By February 11, 2019, the district will submit to OCR, for its review and approval, the revised procedures developed in accordance with this agreement. If OCR requires changes to the revised procedures, the district will re-submit them within 30 calendar days of receiving notice of the required changes. The district and OCR will follow this same process until OCR approves the revised procedures.
  - b. Within 30 days of receiving OCR's approval of the revised procedures, the district will provide documentation to OCR demonstrating the district has adopted and implemented the revised procedures, such as a copy of the materials and publications containing this information or a link to the on-line version of the materials and publications.

#### B. Transportation Plan

1. The district will develop a transportation plan to ensure that students with disabilities who use specialized transportation are not treated differently from non-disabled students with respect to the length of the school day, unless a shortened school day is determined as necessary to meet the individualized needs of a particular student with a disability consistent with Section 504 and Title II regulatory

requirements for making such decisions. The proposed transportation plan must ensure that transportation for the disabled students are arriving and departing school grounds at a time that does not require disabled students who receive specialized transportation to arrive to class later, or to leave class earlier, than general education students, unless their individual education program (IEP) or Section 504 Plan requires such an exception. The proposed transportation plan will include class start and end times and the dismissal bell schedules for each school along with each specialized transportation route's respective pickup and drop-off times for the respective schools.

2. Reporting Provisions

- a. By February 11, 2019, the district will submit a proposed transportation plan to OCR for its review and approval. If OCR requires any revisions to the proposed transportation plan, the district will make the revisions and resubmit the transportation plan within 30 days of receiving OCR's notice of revisions. OCR and the district will repeat this process until OCR approves the transportation plan.
- b. Within 60 calendar days of receiving OCR's written approval of the transportation plan, the district will provide OCR with documentation demonstrating its implementation of the transportation plan. The documentation will include each specialized bus route pickup and drop-off times for each school, and a list of all disabled students who will arrive to class later, or leave class earlier, than general education students.

C. Training

1. The district will provide training to all district special services and transportation administrators and school principals and other appropriate district employees on the revised procedures adopted pursuant to Section A.
2. Reporting Provisions
  - a. Within 60 calendar days of receiving OCR's approval of the revised procedures described in Section A, the district will submit to OCR a description of the proposed training for OCR's review and approval. The submission will include, but need not be limited to: the proposed date(s) and time(s) for the training, the name and qualifications of the person who will provide the training, a copy of the materials available to participants at the training, and a list identifying the name and job titles of persons who will attend the training. If OCR requires any revisions to the proposed training, the district will make the revisions and resubmit the proposed training within 30 days of receiving OCR's notice of the

revisions. OCR and the district will repeat this process until OCR approves the proposed training.

- b. Within 60 calendar days of receiving OCR's approval of the training, the district will provide documentation to OCR demonstrating that it has provided the training, which will include a copy of all training materials presented and distributed during the training, and a roster of attendees.

#### D. Student Remedies

1. The district will conduct a review of the education records of each disabled student's education record who used specialized transportation services during the 2018-2019 school year to determine if the student received a shorter school day than his or her general education peers because of transportation schedules for buses serving the student. In conducting the review, the district will determine the school class start and end times for each disabled student during the 2018-2019 school year and compare those times to the school class start and end times for the general education program at the same school attended by each student with a disability who utilized specialized transportation. In determining the actual school class start and end times for the students with disabilities who received specialized transportation, the district will consider the school schedule, the bus pickup/drop-off times, information provided informally by the teachers on early releases or late starts, whether students have a different instructional time or hours provided for in their IEPs, and other information the district believes will affect the school class time that is necessary for these students.
2. After conducting its review of student education records and school class schedules, the district will identify students who require additional education services to compensate for education opportunities lost by the student because the student received a shorter school day than his or her general education peers because of transportation schedules for buses serving the student or any other administrative reason.
3. The district will develop a compensatory education plan for each student eligible for compensatory education as identified in the district's review pursuant to this agreement. The compensatory education plan will include the amount of the student's compensatory education, proposed dates and times of delivery for the compensatory education, the service provider type, and type of instructional services to be given to the student as part of the compensatory education plan.
4. The district will send a written notice to the parent(s) or guardian(s) of each student, or (in the case of students who have reached their majority) to the student, who are eligible for a compensatory education plan to offer the parent(s), guardian(s) or student(s) the additional school class time for the student and

describe the method the district will use to provide the compensatory education. The notice will allow the parent(s), guardian(s) or students no less than 30 days to respond to the district's offer of compensatory education. Within 15 days of receiving OCR's written approval of the notice, the district will send the notice(s) to the parent(s), guardian(s) or student(s) by postal mail or e-mail.

5. The district will implement the compensatory education plan for each student whose parent(s) or guardian(s), or (in the case of students who have reached their majority) for each student who accepted the district's offer.
6. Reporting Provisions
  - a. By March 18, 2019, the district will provide OCR with a report documenting the results of the review that it conducted pursuant to this agreement. The report will contain sufficient information to demonstrate that the district considered each of the factors described in this agreement when determining the length of the school day provided for students with disabilities who used specialized transportation as compared to students in general education classrooms. The report will identify the students from each school who require compensatory education and the amount of compensatory education for each student as calculated by the district. The district may provide copies of student IEPs or other information to OCR to document why some individual students may be receiving or have received appropriate instructional time that reflects a shorter school day than the general bell schedule for the school.
  - b. By March 18, 2019, the district will submit to OCR for its review and approval the proposed compensatory education plan for each student identified as requiring compensatory education. If OCR requires any revisions to the proposed plans, the district will make the required revisions and resubmit the proposed plans within 30 days of receiving OCR's notice of revisions. The district and OCR will repeat this process until OCR approves the compensatory education plans.
  - c. By April 12, 2019, the district will submit to OCR for its review and approval a proposed notice for the parent(s), guardian(s) or student(s). If OCR requires any revisions to the proposed notice, the district will make the required revisions and resubmit the proposed written notice within 30 days of receiving OCR's notice of revisions. The district and OCR will repeat this process until OCR approves the notice.
  - d. Within 15 days of sending the notice(s) to the parent(s), guardian(s) or student(s), the district will provide OCR with documentation demonstrating that it sent the notice(s) to the parent(s), guardian(s) or students.

- e. Within 180 days of sending the notice(s) described in this agreement, the district will provide a report to OCR documenting its implementation of the compensatory education plan(s). The report will include at a minimum the dates, times and locations that the compensatory education was provided to students, the name of the attending students, each student's current school of enrollment, if any, a description of what instruction was provided to each student, and the name(s) and qualifications of the service providers. The report will also contain a list of the parent(s), guardian(s) or student(s) who declined the district's offer to provide additional school class time to their student/the student, the parent(s), guardian(s), or students contact information, and the reason(s) provided by the parent(s), guardian(s) or students for not accepting the additional school class time, if any.

## II. GENERAL PROVISIONS

- A. The district understands that by signing this Agreement, it agrees to provide OCR 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 this 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 this 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 this Agreement. Before initiating administrative enforcement under 34 C.F.R. §§ 100.9 and 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.

Signed:

\_\_\_\_\_/s/\_\_\_\_\_  
Lee Paterson  
Superintendent, Roseburg School District

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January 15, 2019  
Date