



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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SEATTLE, WA 98174-1099

August 30, 2019

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Ms. Carla J. Santorno
Superintendent
Tacoma School District No. 10
P.O. Box 1357
Tacoma, Washington 98401-1357

Re: Tacoma School District No. 10
OCR Reference No. 10191106

Dear Superintendent Santorno:

This letter is to inform you of the disposition of the above-referenced complaint filed against the Tacoma School District No. 10 (district) with the U.S. Department of Education (Department), Office for Civil Rights (OCR). The complaint alleged that the district discriminated against a student based on disability. Specifically, OCR accepted for resolution an allegation that, during the fall of the 2018-2019 school year, the district failed to implement the Student's Section 504 Plan when:

- a. her English teacher failed to provide class handouts printed in large print (14-point or larger), on white or pale paper, with crisp font;
- b. her Advanced Placement World History (AP World History) teacher failed to provide information displayed on classroom smart boards in a printed format; and
- c. her English and AP World History teachers penalized her by giving her lower grades for completing reduced class assignments as negotiated with her teachers pursuant to her Section 504 Plan.

As explained below, prior to completion of OCR's 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 case 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.

The investigation to date indicated that the Student is a high school student in the District and is being served under a Section 504 Plan. Records reviewed by OCR indicated that the parent sent the Student's teachers emails stating that the Student received handouts in small font on colored paper and did not receive information displayed on classroom smart boards in printed format. Records indicate that the Student received a low grade in her English class. As such, OCR has a concern that the district failed to implement certain provisions of the Student's Section 504 Plan during the fall of the 2018-2019 school year.

In accordance with Section 302 of the *OCR Case Processing Manual*, a complaint may be resolved at any time when, before OCR issues a final determination, the recipient expresses an interest in resolving the complaint allegations and OCR determines that it is appropriate to resolve the issues under investigation with an agreement during the course of an investigation. In this case, the district requested to resolve the complaint prior to the conclusion of OCR's investigation. In light of the district's willingness to address the concerns identified by OCR without further investigation, OCR determined that entering into a voluntary resolution agreement was appropriate. Subsequent discussions with the district resulted in the district signing the enclosed agreement.

The actions the district will take under the agreement include notice and training for school staff members at the Student's high school on their obligations to implement all provisions of a student's Section 504 Plan, and an individual remedy to the Student.

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 September 30, 2019.

Thank you for the cooperation that you and your staff extended to OCR staff in resolving this complaint. If you have any questions, please feel free to contact Emily Hazen, Equal Opportunity Specialist, at (206) 607-1615 or at emily.hazen@ed.gov.

Sincerely,

Sukien Luu
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement