



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

915 2ND AVE., SUITE 3310
SEATTLE, WA 98174-1099

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September 29, 2021

Via email only to: gibbonl@svsd410.org
Dr. Lance W. Gibbon
Superintendent
Snoqualmie Valley School District No. 410
P.O. Box 400
Snoqualmie, Washington 98065-0400

Re: Snoqualmie Valley School District No. 410
OCR Reference No. 10201026

Dear Dr. Gibbon:

This letter is to inform you of the disposition of the above-referenced complaint filed against the Snoqualmie Valley School District No. 410 with the U.S. Department of Education, Office for Civil Rights (OCR). The complainant alleged that the district:

1. discriminated against a student during the 2019-2020 school year based on disability by not consistently providing him with bus transportation as required by the student's Section 504 plan.
2. XXXXXXXXXXXXXXXXXXXXXXXXXXXX
3. XXXXXXXXXXXXXXXXXXXXXXXXXXXX
4. XXXXXXXXXXXXXXXXXXXXXXXXXXXX
5. XXXXXXXXXXXXXXXXXXXXXXXXXXXX

As explained below, regarding allegation no. 1, 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. Regarding allegation nos. 2 through 5, OCR is dismissing these allegations based on credible information indicating that these allegations are currently resolved.

OCR investigated this case under the authority to enforce Section 504 of the Rehabilitation Act of 1973 (Section 504), which prohibits disability discrimination in programs and activities receiving federal financial assistance. OCR also has the authority to enforce Title II of the Americans with Disabilities Act of 1990 (Title II), which prohibits disability discrimination by public entities.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Because the district receives federal financial assistance from this Department and is a public entity, it is required to comply with these laws.

Allegation No. 1 – bus transportation

The regulation implementing Section 504, at 34 C.F.R. 104.4(a), states that no qualified person with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives Federal financial assistance. The regulation implementing Section 504, at 34 C.F.R. § 104.33(a), states a recipient shall provide a free appropriate public education to each qualified individual with a disability who is in the recipient’s jurisdiction regardless of the nature or severity of the person’s disability. The regulation implementing Title II, at 28 C.F.R. §35.130, includes comparable requirements to Section 504.

Regarding allegation no. 1, OCR’s investigation to date indicates that transportation was included as a related service in the student’s Section 504 plan during the 2019-2020 school year. The evidence showed that the district may have failed to provide this transportation on at least two occasions due to a bus driver shortage. OCR has a concern that the district may not have consistently provided the student with bus transportation as required by his Section 504 plan.

In accordance with Section 302 of the OCR *Case Processing Manual* (CPM), a complaint may be resolved at any time when, prior to OCR issuing its final determination, the recipient expresses an interest in resolving the complaint allegation 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 allegation prior to the conclusion of OCR’s investigation. In light of the district’s willingness to address the concern identified by OCR comprehensively 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.

Allegation Nos. 2 - 5 - Accessibility

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

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.

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 letter serves as OCR’s final agency determination regarding allegation nos. 1-5, and there is no right to appeal.

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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 individual may file a 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 case when OCR determines that the terms of the agreement have been satisfied. The first report under the agreement is due on or before November 16, 2021.

Thank you for the cooperation that you and your staff extended to OCR staff in resolving this case. If you have any questions, please contact me at sarah.dunne@ed.gov.

Sincerely,

Sarah Dunne
Chief Attorney

Enclosure: Voluntary Resolution Agreement

cc: David J. Seeley, Counsel for District (*via email only to:* dseeley@prklaw.com)