

## **VOLUNTARY RESOLUTION AGREEMENT**

The McMinnville School District (the district) voluntarily agrees to take the following actions to resolve complaint Reference No. 10201073 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).

### **A. Review of Policies and Procedures**

#### Action Item

1. By October 31, 2020, in consultation with OCR as described in the reporting provisions below, the district will review and revise, as necessary, its policies and procedures (policies) 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 particular student with a disability, and such decisions are made by a group of persons knowledgeable about the student, the student's disability, evaluation data, and the student's placement options. In particular, the district's policies will ensure that students with disabilities who utilize specialized transportation will not leave school earlier than non-disabled students, due to their use of special education services or buses, unless it is determined individually necessary for the student.

#### Reporting Requirements

2. By October 31, 2020, the district will provide OCR a copy of its draft policies, which it developed pursuant to Action Item A.1, for OCR's review and approval. OCR will review the policies and notify the district if OCR identifies any revisions to the policies. If OCR identifies revisions, the district will submit revised policies within 30 days of receiving OCR's notice of revisions. OCR and the district will repeat this process until OCR approves the policies.
3. Within 30 days of receiving OCR's written approval of the policies, the district will provide OCR with documentation to show that it has adopted the policies.

### **B. Notice and Training to Staff**

#### Action Items

1. Within 30 days of receiving OCR's written approval of the policies developed under Action Item A.1, the district will provide notice to all staff regarding the policies. The notice may be made electronically.

2. Within 60 days of receiving OCR's written approval of the policies developed under Action Item A.1, the district will provide training on the policies to all teachers and staff who work with students with disabilities who use specialized transportation, as well as the principals, vice principals, and special education administrators.

### Reporting Requirements

3. Within 45 days of receiving OCR's written approval of the policies developed under Action Item A.1, the district will submit to OCR a copy of the notice sent to employees pursuant to Action Item B.1.
4. Within 75 days of receiving OCR's written approval of the policies developed under Action Item A.1, the district will submit a report to OCR describing the training provided pursuant to Action Item B.2. The report will contain, at a minimum: the date and time of the training; the name and qualifications of the person providing the training; a copy of the materials used to provide the training; a list of staff with position titles who attended the training; and for any required staff who were not able to attend the training, a description of the district's plan to provide them with the training.

## **C. Transportation Assessment**

### Action Items

1. By September 30, 2020, for the 2019-2020 school year, the district will conduct an assessment of the specialized transportation provided to students with disabilities to determine whether students with disabilities are or were treated differently from non-disabled students related to early departures of specialized transportation. The district's assessment will include information gathered from building administrators, parents or guardians, special education teachers and aides, and bus drivers regarding specialized transportation. The assessment will include:
  - a) A review of each school's dismissal time as established by the school's bell schedule;
  - b) A review of the departure times for all district-provided modes of transportation;
  - c) The identification of individual students with disabilities (those students who have an IEP or Section 504 plan) who use specialized transportation;

- d) For each student identified in Action Item C.1.c, a determination of whether each student received a shortened school day due to the use of specialized transportation services;
  - e) For each student identified in Action Item C.1.c, a determination of which students received a shortened school day because it was required by that student's IEP or Section 504 plan; and
  - f) For those students who received a shortened school day that was not required by that student's IEP or Section 504 plan, a determination of the reasons why each of the students received a shortened school day.
2. Based on the information collected under Action Item C.1, the district will develop a plan, with timeframes, to remedy any transportation issues identified by this assessment to ensure that all future specialized transportation services are provided to disabled students such that the transportation does not result in a shorter school day than the students' non-disabled peers, unless the shortened school day has been determined as necessary for the student to receive a FAPE.

#### Reporting Requirements

3. By November 30, 2020 the district will submit a report to OCR for review and approval documenting the results of its assessment. The report will include, but is not limited to, the information collected and analyzed under Action Item C.1, including bell schedules, transportation routes and schedules, lists of students, copies of each student's IEP or Section 504, and a summary of problems identified during the assessment. The district will also submit to OCR for review and approval the plan that was developed under Action Item C.2 for remedying the problems that were identified. OCR will review the assessment and plan and notify the district if it requires any additional assessment or changes to the assessment or plan. The district will conduct any additional assessment or make changes to the plan within 20 days of receiving OCR's notice of the additional assessment or plan changes. The district and OCR will repeat this process until OCR approves the assessment and the plan.
4. The district will submit a report to OCR within 30 days of its final implementation of the plan developed under Action Item C.2, containing information demonstrating that it completed implementation of the plan.

#### **D. Compensatory Education and Services**

### Action Items

1. Within 45 days of receiving OCR's written approval of the assessment and plan identified in Action Item C.3, the district will develop a comprehensive plan for all students identified in the assessment as receiving a shortened school day due to an early departure for specialized transportation that was not required in the students' IEP or Section 504 plan during the 2019-2020 school year. The plan will provide for timely compensatory and/or remedial education services with a description of the method of compensatory and/or remedial services, the amount of time provided each student for the services, and the start and end dates for the provision of the services. The plan should take into account the lost instructional time, if any, that resulted in a denial of a free appropriate public education for the student and which services would be appropriate for the student to receive as compensation; as well as consider the total amount of instructional time lost for each student. The plan will have input by persons knowledgeable about each student and the student's IEP or Section 504 plan.
2. The district will offer the compensatory education identified in the plan to each parent(s) or guardian(s) of a student identified in the plan and provide the parents or guardians no less than 30 days to accept the plan.
3. The district will implement the compensatory education and/or remedial services plan for each applicable student whose parents or guardians accept the district's offer, within the timelines approved by OCR in the plan.

### Reporting Requirements

4. Within 45 days of receiving OCR's written approval of the assessment and plan identified in Action Item C.3, the district will submit to OCR the compensatory education and/or remedial services plan identified under Action Item D.1. OCR will notify the district if it requires any changes to the plan. The district will submit a revised plan within 30 days of receiving notification of OCR's changes. OCR and the district will repeat this process until OCR approves the plan.
5. Within 10 days of receiving OCR's written approval of the plan under Action Item D.1, the district will provide to OCR for review and approval a draft of the notification to parents of the available compensatory education and/or remedial services plan described in Action Item D.2. If OCR requires any changes to the notification, the district will make the changes and resubmit the notification to OCR within 10 days of receiving notice of OCR's changes. OCR and the district will repeat this process until OCR approves the notification.

6. Within 10 days of receiving OCR's written approval of the notification, the district will submit to OCR verification that the notification was sent to all eligible parents or guardians.
7. Within 30 days of completing the implementation of the compensatory education and/or remedial services plan, the district will provide a report to OCR documenting its implementation of the compensatory education and/or remedial services plan for each student whose parents accepted the district's offer under Action Item D.3. The report will include at a minimum the dates, times and locations that the compensatory instructional time was provided to students, the name of the attending students, each student's current school of enrollment, a description of what instruction was provided to each student, and the names and qualifications of the service providers. The report will also contain a list of the parents or guardians who declined the district's offer to provide additional instructional time to their student or did not respond to the offer, and any reasons provided by the parents or guardians for not accepting the additional instructional time.

**E. General Monitoring Principles**

1. This agreement resolves the allegations in OCR Reference No. 10201073 and does not constitute an admission by the district of any violation of Section 504 or Title II or any other law.
2. 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's campus, 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 completion of the obligations under this agreement, OCR shall close this case.
3. The district understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this agreement and/or the applicable statutes and regulations. Before initiating such proceedings, OCR shall give the district written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.
- 4.

Signed:

Date:

SIGNED

May 20, 2020

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Dr. Maryalice Russell  
Superintendent  
McMinnville School District