



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

915 2<sup>ND</sup> AVE., SUITE 3310  
SEATTLE, WA 98174-1099

REGION X  
ALASKA  
AMERICAN SAMOA  
GUAM  
HAWAII  
IDAHO  
MONTANA  
NEVADA  
NORTHERN MARIANA  
ISLANDS  
OREGON  
WASHINGTON

January 15, 2021

**Via E-mail Only to: [traci.pierce@ksd.org](mailto:traci.pierce@ksd.org)**

Dr. Traci Pierce  
Superintendent  
Kennewick School District No. 17  
1000 W Fourth Avenue  
Kennewick, Washington 99336

Re: Kennewick School District No. 17  
OCR Reference No. 10201209

Dear Superintendent Pierce:

This is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR) is discontinuing its investigation of the above-referenced complaint against the Kennewick School District No. 17 (the district). 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 issue in the complaint. The complainant alleged that the district discriminated against a student with a disability (hereinafter, "the Student"), by releasing him from Kamiakin High School (the school) early so that he could access transportation.

OCR is authorized to review this matter under the authority of Section 504 of the Rehabilitation Act of 1972 (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 regulation implementing Section 504 at 34 C.F.R. §104.4(a) and §104.4(b) prohibits districts, on the basis of disability, from excluding students from participation in, denying students the benefits of, or otherwise subjecting students to discrimination under any program or activity

which receives federal financial assistance. Additionally, districts may not provide a qualified person with a disability with an aid, benefit, or service that is not equal to that afforded to others. The regulation implementing Title II at 28 C.F.R. §35.130(a) requires that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

In addition, the Section 504 regulation at 34 C.F.R. §104.33 requires the district to provide a free appropriate public education to each qualified disabled student who is within the district's jurisdiction. The provision of an appropriate education is the provision of regular and special education and related aids and services that are designed to meet the individual needs of disabled students as adequately as the needs of non-disabled students and adhere to the Section 504 regulations. Title II is interpreted consistently with Section 504 with regard to the provision of a free appropriate public education.

The investigation to date indicated that the student and other students with disabilities at the school were regularly released early to access transportation.

In accordance with Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved at any time when, prior to OCR issuing a final determination, the institution expresses an interest in resolving the complaint. In such a case, the provisions of an agreement to resolve the complaint must be aligned with the complaint allegations or any information obtained during the discontinued investigation and must be consistent with applicable regulations. In this case, the district requested to resolve the complaint prior to the conclusion of OCR's investigation. Subsequent discussions with the district resulted in the district signing the enclosed agreement.

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 this matter. 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, compliance review, or monitoring process. If this happens, the complainant 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 complaint when OCR determines that the terms of the agreement have been satisfied. The first report under the agreement is due to OCR on **March 23, 2021**.

Thank you for the cooperation that you and your staff extended to OCR staff in resolving this complaint. If you have any questions regarding this letter, please feel free to contact Alexa Polaski, Attorney, by telephone at (206) 607-1668, or by e-mail at [alexa.polaski@ed.gov](mailto:alexa.polaski@ed.gov).

Sincerely,

Paul Goodwin  
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement

cc: Honorable Chris Reykdal, Superintendent of Public Instruction