

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

The Kennewick School District No. 17 (district) enters into this agreement to resolve the allegations in Reference No. 10201209, a complaint 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).

II. RESOLUTION PROVISIONS

A. Policies and Procedures

1. The district will review and revise District Policy 2151 and District Procedure 2151(revised policies) that are in effect for Kamiakin High School to ensure that students with disabilities are not treated differently from non-disabled students with respect to the length of the school day. Specifically, the revised policies will ensure that students with disabilities will not arrive to class later or leave class earlier than the school's general education program, for transportation reasons or for any other administrative reasons unless such need is individually necessary and documented on a student's individualized education plan (IEP) or Section 504 plan.
2. Reporting Requirement: By March 23, 2021, the district will submit to OCR, for its review and approval, a copy of the revised policies. If OCR requires any changes to the revised policies, then the district will make the changes and resubmit the revised policies to OCR within 20 days of receiving OCR's notice of any necessary changes. OCR and the district will repeat this process until OCR approves the revised policies
3. The district will adopt the revised policies after OCR has approved them.
4. Reporting Requirement: Within 90 calendar days of receiving OCR's written approval of the revised policies, the district will provide OCR with documentation demonstrating its compliance with Section II.A.3.

B. Notice and Training

1. The district will notify all staff, administrators, and bus drivers at Kamiakin High School of the revised policies. The district can notify school staff, administrators, and bus drivers by e-mail, or another method calculated to reach all these groups of employees.

2. Reporting Requirement: Within 90 calendar days of receiving OCR's written approval of the revised policies, the district will provide OCR with documentation demonstrating its compliance with Section II.B.1, including a copy of the notice.
3. The district will provide in-person or virtual training to special education staff, building level administrators, transportation administrators, and other appropriate employees at Kamiakin High School about the revised policies adopted pursuant to Section II.A.3. This training must be provided by an instructor with knowledge of the applicable Title II and Section 504 requirements.
4. Reporting Requirements:
 - a) Within 90 calendar days of receiving OCR's written approval of the revised policies, the district will submit a report to OCR, for its review and approval, describing the training. The report will include: the date and time of the training, the name and qualifications of the person providing the training, and a copy of the materials that will be provided to participants at the training. If OCR requires any modifications to the proposed training or materials, the district will make the requisite changes within 20 days and resubmit any applicable items to OCR. OCR and the district will repeat this process until OCR approves the training and training materials.
 - b) Within 60 days of receiving OCR's written approval of the training and training materials, the district will provide OCR with documentation demonstrating its compliance with Section II.B.3, including a list of the participants with their names and position titles and a list of any employees, including their names and position titles who were not able to attend the training and a description of the district's plan to provide them with makeup or alternate training.

C. Transportation Assessment

1. For the 2019-2020 and 2020-2021 school years, the district will conduct an assessment of the transportation provided to students with disabilities at Kamiakin High School to determine whether students with disabilities are treated differently from non-disabled students at the school regarding arrival and departure times. The assessment may include information gathered from building administrators, parents or guardians, special education teachers and aides, and bus drivers at Kamiakin High School. The assessment will include:
 - a) A review of Kamiakin High School's start and end times as established by the school's bell schedule;
 - b) A review of the arrival and departure times for all modes of transportation,

including when parents or guardians are asked to arrive to pick students up;

- c) The identification of individual students with disabilities (those students who have an IEP or Section 504 plan);
 - d) For each student identified in Section II.C.1.c, a determination of whether each student received a shortened school day due to transportation time;
 - e) For each student identified in Section II.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 assessment, if the district concludes that students with disabilities at Kamiakin High School were treated differently than their non-disabled peers and received shorted school days not required by their IEPs or Section 504 plans, the district will develop a corrective action plan, with timeframes, to ensure in future that students with disabilities at the school do not receive a shortened school day because of transportation or other administrative reasons not required by their IEPs or Section 504 plans.
3. Reporting Requirements:
- a) By April 22, 2021, the district will submit to OCR, for its review and approval, a report of the assessment and if necessary, a draft of the corrective action plan. The report will include, but is not limited to, the information collected and analyzed under Section II.C.1, including bell schedules, transportation routes and schedules, lists of students, a copy of each student's IEP or Section 504, and the determinations reached as a result of the assessment. If OCR requires any additional assessment or changes to the corrective action 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 corrective action plan.
 - b) If necessary, within 120 days of receiving OCR's written approval of the corrective action plan, the district will submit a report to OCR documenting its compliance with Section II.C.2.

D. Compensatory Education and Services

1. For each student identified in Section II.C.1 as receiving a shortened school day at Kamiakin High School, including the student who was the subject of this complaint, that was not required by the student's IEP or Section 504 plan, the district will determine whether the student needs compensatory and/or remedial services as a result of the school providing a shortened school day to that student during the 2019-2020 and/or 2020-2021 school years.
2. Reporting Requirement: By April 22, 2021, the district will submit to OCR, for its review and approval, a report containing the list of students who need compensatory education developed under Section II.D.1. The report will include documentation supporting the district's determinations regarding the students with disabilities from Kamiakin High School who are on the list, and the students with disabilities who received shortened school days who are not on the list. If OCR requires additional information or amendments to the student list, the district will provide to OCR the additional information or make the amendments within 20 days of receiving notice. OCR and the district will repeat this process until OCR approves the student list.
3. Within 45 days of receiving OCR's written approval of the student list developed under Section II.D.1, the district will develop a comprehensive plan for all students identified for providing timely compensatory and/or remedial services with a completion date not to extend beyond December 31, 2021. The plan should take into account the lost instructional time and which services would be appropriate for the student to receive as compensation. The plan will have input by persons knowledgeable about each student and the student's IEP or Section 504 plan.
4. Reporting Requirement: Within 60 days of receiving OCR's written approval of the student list developed under Section II.D.1, the district will provide to OCR, for its review and approval, a report containing the plan it created pursuant to Section II.D.3. For each student, the report will include: the name of the student, the amount of time the student missed due to a shortened school day, the number of compensatory hours to be provided, the type of services to be provided, the date, time, and location proposed for the delivery of the services, a description of the qualifications of the service provider(s), and a description of the persons making the compensatory education decisions for each student. If OCR requires any changes to the plan, the district will make the requested changes within 20 days of OCR's notice of the changes and resubmit the plan to OCR. OCR and the district will repeat this process until OCR approves the plan.
5. The district will send a notification to the parent or guardian of each student identified in the plan containing an offer of compensatory education and/or remedial services consistent with the plan. The notification will provide the parent

or guardian at least 20 days to accept or deny the offer for these services.

6. Reporting Requirement: Within 10 days of receiving OCR's written approval of the plan developed under Section II.D.3, the district will provide OCR with documentation demonstrating its compliance with Section II.D.5.
7. The district will implement the plan for each student whose parent or guardian accept the district's offer within the timelines approved by OCR in the plan.
8. Reporting Requirement: Within 30 days of the implementation of the plan, the district will provide to OCR a report documenting its compliance with Section II.D.7. 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 compensatory education to their student or did not respond to the offer, and any reasons provided by the parents or guardians for not accepting the offer.

III. GENERAL PROVISIONS

- A. 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 Kamiakin High School, 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 terms and obligations of the agreement, OCR will close this case.
- B. The district understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this agreement and the applicable statutes and regulations, 34 C.F.R. §§ 104.4(b)(1)(ii) -(iv), 34 C.F.R. § 104.4(a), 28 C.F.R. § 35.130(a), and 28 C.F. R. §§ 35.130(b) (ii)-(iv). 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.
- C. This agreement will become effective immediately upon the signature of the Superintendent or his or her designee below.

Signed:

/s/

Dr. Traci Pierce
Superintendent
Kennewick School District No. 17

January 15, 2021

Date