



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

915 2nd AVENUE, ROOM 3310
SEATTLE, WA 98174-1009

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September 7, 2022

Via email only: superintendent@seattleschools.org

Dr. Brent Jones
Superintendent
Seattle School District No. 1
P.O. Box 34165
Seattle, Washington 98124-1165

Re: Seattle School District No. 1
OCR Reference No. 10221119

Dear Superintendent Jones:

This letter is to inform you of the disposition of the above-referenced complaint filed against the Seattle School District No. 1 with the U.S. Department of Education, Office for Civil Rights (OCR). The complainant alleged that the district discriminates against students in the Deaf/Hard of Hearing (DHH) program at XXXXXX on the basis of disability by failing to provide students in the DHH program with information that is shared with hearing students through the school's public address system.

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 from the U.S. Department of Education 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 104.4(a) states that no qualified handicapped person shall, on the basis of handicap, 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. At 104.4(b)(1)(iii), the regulation states that a recipient, in providing any aid, benefit, or service, may not, directly or through

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contractual, licensing, or other arrangements, on the basis of handicap provide a qualified handicapped person with an aid, benefit, or service that is not as effective as that provided to others. The Title II regulation at 28 C.F.R. § 35.160(a)-(b) requires a public entity to take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.

The investigation to date indicated that the school does not appear to have in place a system to ensure that students enrolled in the DHH program are provided with vital information about school events and activities that are provided to hearing students. While the school appears to have systems in place to provide regularly scheduled announcements and emergency information to the DHH students, the school does not appear to have a system in place to ensure that students in the DHH classrooms are provided unscheduled and urgent information that is broadcast over the school's public address system outside of the daily scheduled morning announcements. In addition, while the school has visual warnings connected to its fire alarm system, the school does not appear to have a practice that ensures that non-hearing students who are physically located outside of a classroom are made aware of other types of emergency situations. Therefore, OCR has a concern that the District may not be providing students in the DHH program with information that is being provided to hearing students at the school.

In accordance with Section 302 of the OCR *Case Processing Manual*, a complaint may be resolved at any time when, before the conclusion of an investigation, 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 comprehensively without further investigation, OCR determined that entering into a voluntary resolution agreement was appropriate. Subsequent discussions with district resulted in the district signing the enclosed agreement.

The actions the district will take under the agreement include a review and revision of the school's policies and procedures to ensure effective communication with students in the DHH classrooms, notice to employees of the revised policies and their obligations under the revised policies, and notice to parents/guardians of the revised policies.

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.

When fully implemented, the agreement will address the evidence obtained and the allegation investigated. OCR will monitor the implementation of the agreement until OCR determines that the District is in compliance with the terms of the agreement and with Section 504 and Title II and their implementing regulations. The first report under the agreement is due by October 14, 2022.

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 Mark Farr, Senior Equal Opportunity Specialist, at (206) 607-1607 or mark.farr@ed.gov.

Sincerely,

Tina Sohaili
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement

cc: XXXXXX, Senior General Counsel, Seattle School District No. 1
(via email only to XXXXX@seattleschools.org)

Honorable Chris Reykdal, Superintendent of Public Instruction
(via email only to: superintendent@k12.wa.us)