

## **RESOLUTION AGREEMENT**

### **I. INTRODUCTION**

The West Linn-Wilsonville School District 3J (the district) enters into this agreement to resolve the allegations in OCR Reference No. 10101231, a complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR) under section 504 of the Rehabilitation Act of 1973 and title II of the Americans with Disabilities Act of 1990.

### **II. GENERAL PROVISIONS**

- A. This agreement resolves the allegations in OCR Reference No. 10101231 and does not constitute an admission by district of any violation of Section 504 or Title II or any other law.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10101231 based upon the district's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in this case.
- C. The district understands and acknowledges that, if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 CFR 100.9, 100.10), or judicial proceedings to enforce this agreement, OCR shall give the district written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.
- D. 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, 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 and is in compliance with the regulations implementing Section 504 and Title II, at 34 CFR 104.33 and 28 CFR 35.130, respectively, which were at issue in this case.
- E. The district understands that OCR will not close the monitoring of this agreement until OCR determines that the district has fulfilled the terms of

this agreement and is in compliance with the regulations implementing Section 504 and Title II, at 34 CFR 104.33 and 28 CFR 35.130, respectively.

### **III. SUBSTANTIVE PROVISIONS**

#### **A. Implementing Provisions in Individualized Education Programs (IEPs) and Section 504 Plans**

By March 3, 2014, the district will disseminate written notice to all administrators and staff at the XXXXXXXX XXXXXXXXXXXX (XXX) at XXXXXXXX XXXXXXXX School (school) stating that:

1. a concern was raised by a parent with regard to whether a former student who was receiving XXXXXXXX XXXXXXXX services under an IEP, received the requisite level of services required under the student's IEP;
2. Section 504 and district and school policies, procedures, and practices require that school administrators and staff take steps to ensure that all provisions of a student's IEP and/or Section 504 plan are fully implemented; and
3. the notice will also provide staff with contact information for the individual who can answer questions that may arise about the implementation of specific IEP or Section 504 plan provisions.

B. By March 3, 2014, the district will ensure that information about how to order books through "Scholastic Books" is made readily available to all parents by disseminating information about "Scholastic Books" on the school web site, at school Book Fairs, or by other effective means.

C. The district agrees to continue the current practice of making class supply lists available to all parents in the school office and by posting the class supply lists on the school's web site or other effective means.

D. The district agrees that as long as the district is providing music instruction at the school for all students, it will continue its current practice of providing this instruction in the same instructional setting, currently the music room; any changes to this practice for individual students would be based on the particular needs of the individual student and be addressed through either the IEP or Section 504 plan process.

E. Student-Specific Actions

1. By March 3, 2014, the district's XXXXXXXX XXXX XXXXXXXX will send the parent of the student who was the subject of the complaint a letter outlining the significant changes that have taken place with regard to the XXX at XXXXXXXX XXXXX XXXXX as it is currently constituted. The letter will indicate that the district regrets any qualitative difference in the music program provided to students in the XXXXXXXXXXX XXX program that may have resulted from the fact that the music program was not conducted in the music room during its first year at the school. The letter will also state that the district regrets that it did not adequately communicate with the student's parent regarding the nature of the XXXXXXXX XXXXXX (XX) services being provided during the school year and acknowledge that the XXXXXXXXXXX who was previously working with the student was not available to provide XX services for the period from approximately March 15, 2010, until the end of the school year.

If the parent elects to re-enroll the student in the district within one year of the date of this agreement, before taking any action with respect to the placement of the student, the district will promptly conduct an evaluation in accordance with the requirements of 34 CFR 104. If the student qualifies for XX services based on the evaluation, the district agrees to provide XX services consistent with the results of the evaluation.

IV. REPORTING PROVISIONS

A. Implementing Provisions in Individualized Education Programs (IEPs) and Section 504 Plans

By March 17, 2014, the district will provide OCR a copy of the written notice disseminated under section III.A., of this agreement.

B. Scholastic Book Order Forms, Class Supply Lists and Location of the School Music Room

By March 17, 2014, the district will provide OCR with:

1. A written report reflecting the steps taken by the district to ensure that Scholastic Book order forms are available to all parents in the school office, including a detailed description of the means taken by the school to disseminate information about the availability of those forms and copies of any written notices produced by the school regarding their availability.
2. A written report reflecting the manner in which class supply lists are made available to all parents in the school office and a copy of the written information used to notify parents of the availability of class supply lists.
3. A written report reflecting that music instruction for students in the school's XXX takes place in the school music room.

C. Student-Specific Actions

1. By March 17, 2014, the district will provide OCR a copy of a letter from the district's XXXXX XX XXXXXX XXXXX to the parent as outlined above.
2. If the parent elects to re-enroll the student in the district, within 60 days of re-enrollment, the district will provide OCR with a report that includes a detailed description of the evaluation conducted under section III.C.2, of this agreement and, if the student qualifies for XX services based on the evaluation, a detailed description of the district's plan to provide XX services referred to in that section.
3. If the student has not been re-enrolled within one year from the date of this agreement, within 14 days of the end of the one year period contemplated for re-enrollment, the district will provide OCR with a report indicating that the student has not been re-enrolled.

**Signed:**

\_\_\_\_\_/ s / \_\_\_\_\_  
Dr. William Rhoades  
Superintendent  
West Linn-Wilsonville School District 3J

\_\_\_\_02/12/2014\_\_\_\_\_  
Date