

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

Central Kitsap School District No. 401 (the district) enters into this agreement to resolve the allegations in a complaint (Reference No. 10161045) 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. GENERAL PROVISIONS

- A. This agreement resolves the allegations in OCR Reference No. 10161045 and does not constitute an admission by the district of any violation of Section 504, Title II, or any other law.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10161045 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 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this agreement, OCR shall give the district written notice of the alleged breach and 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 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 and is in compliance with the regulation implementing Section 504 at 34 CFR 104.4(a) and 34 CFR 104.33 (a) and (b)(1) and Title II at 28 CFR 35.130(b)(1)(ii) and (iii), 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 at 34 CFR 104.4, 34 CFR 104.33 and Title II at 28 CFR 35.130.

III. RESOLUTION PROVISIONS

A. Notice to Staff

1. By February 5, 2016, the district agrees to disseminate to its staff members at Fairview Middle School written notice regarding their responsibility to adhere to all students' Section 504 Plans and information about who to contact if they have questions about expectations regarding implementing provisions of a Section 504 Plan.

B. Student-Specific Actions

1. By February 26, 2016, the district will revise the student's Section 504 Plan to ensure that provisions regarding protocols to follow when the student is confronted, and the location where the student is required to refocus, are clear and fully meet the student's disability-related needs.
2. By February 29, 2016, and upon completion of section III.B.1 above, the district will provide notice and a copy of the student's current Section 504 Plan to all appropriate staff members. Responsible school staff will implement the Section 504 Plan immediately upon receiving notice and a copy of the student's Section 504 Plan.
3. By March 1, 2016, the district will issue a letter to the student's parents, notifying them about the actions taken pursuant to sections III.A and III.B, and inform the parent that the student is welcome to return to the district school and that the district will adhere to the student's Section 504 Plan.

IV. REPORTING PROVISIONS

A. Notice to Staff

1. By February 9, 2016, the district will provide a report to OCR that reflects the specific actions taken to comply with section III.A.1, above. The report will include a copy of the district's notice that it disseminated to its staff members as specified in III.A.1.

