

VOLUNTARY RESOLUTION AGREEMENT
Grants Pass School District
OCR Reference No. 10141007

The Grants Pass School District (the district) enters into this agreement (the agreement) to resolve the allegations in a complaint (OCR Reference No. 10141007) 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). The signing of this agreement does not constitute an admission by the district of any violation of Section 504 or Title II or any other law.

REMEDIAL PROVISIONS

A. Policies and Procedures

The district will review and revise its policies and procedures to ensure that students with disabilities are not treated differently from non-disabled students with respect to the length of the school day, unless a shortened school day is determined as necessary to meet the individualized needs of a particular student with a disability consistent with Section 504 and Title II regulatory requirements for making such decisions. In particular, the district's policies and procedures will ensure that students with disabilities who receive specialized transportation will not arrive to class later, or leave class earlier, than the start and end of the school day for the district's general education program, due to transportation schedules for buses serving those students or other administrative reasons.

Reporting Provisions:

- a) By November 1, 2017, the district will submit to OCR a copy of its proposed policies and procedures for OCR's review and approval. If OCR requires any revisions to the proposed policies and procedures, the district will make the revisions and resubmit the policies and procedures within 20 days of receiving OCR's notice of the revisions. OCR and the district will repeat this process until OCR approves the revised policies and procedures.
- b) Within 30 calendar days of receiving OCR's approval of the policies and procedures, the district will provide OCR with documentation demonstrating its adoption of them and notice to all employees regarding the policies and procedures. The documentation will include a copy of the final policies and procedures, documentation showing the district's adoption of the policies and procedures, and a copy of the notice sent to all employees regarding the revised policies and procedures.

B. Transportation Plan for Disabled Students

The district will develop a transportation plan to ensure that students with disabilities who use specialized transportation are not treated differently from non-disabled students with respect to the length of the school day, unless a shortened school day is determined as necessary to meet the individualized needs of a particular student with a disability consistent with Section 504 and Title II regulatory requirements for making such decisions. The proposed transportation plan must ensure that the buses for the disabled students are arriving and departing school grounds at a time that does not require disabled students who receive specialized transportation to arrive to class later, or to leave class earlier, than general education students, unless their individual IEP or Section 504 Plan requires such an exception. The proposed transportation plan will include class start and end times and the dismissal bell schedules for each school along with each specialized transportation route's respective pickup and drop-off times for the respective schools.

Reporting Provisions:

- a) By November 1, 2017, the district will submit a proposed transportation plan to OCR for its review and approval that demonstrates that the district is not treating disabled students who receive specialized transportation differently than other students with respect to the length of the school day. If OCR requires any revisions to the proposed transportation plan, the district will make the revisions and resubmit the transportation plan within 20 days of receiving OCR's notice of revisions. OCR and the district will repeat this process until OCR approves the transportation plan.
- b) Within 60 calendar days of receiving OCR's written approval of the transportation plan, the district will provide OCR with documentation demonstrating its implementation of the transportation plan. The documentation will include each specialized bus route pickup and drop-off times for each school, and a list of all disabled students who will arrive to class later, or leave class earlier, than general education students.

C. Training

The district will provide training to special education, Title II, Section 504, building, and transportation administrators and other appropriate district employees about the district's newly revised policies and procedures adopted pursuant to Section A, above. This training may be conducted electronically via webinar and shall be conducted within 60 days of receiving OCR's approval of the training.

Reporting Provisions:

- a) Within 60 calendar days of adopting the policies and procedures described in Section A, above, the district will submit to OCR a description of the proposed training for OCR's review and approval. The submission will include the proposed dates and times for the training, the name and qualifications of the person who will be providing the training, a copy of the materials to be provided to participants, and a list of the individuals who will be attending the training, with position titles. If OCR requires any revisions to the proposed training, the district will make the revisions and resubmit the proposed training within 20 days of receiving OCR's notice of the revisions. OCR and the district will repeat this process until OCR approves the training.
- b) Within 14 calendar days of completing the training approved by OCR, the district will provide to OCR documentation demonstrating the delivery of the training. The documentation must include the date and time the training occurred, the name and qualifications of the person who provided the training, a copy of the materials provided to participants, and a list of participants, with position titles. Additionally, for any employees previously designated as attendants at the training who were not able to attend, the documentation must list the employees and a description of the district's plan to provide them with the training.

D. Compensatory Education

1. The district will conduct a review of all disabled students who used specialized transportation services during the 2015-2016 and/or 2016-2017 school years to determine if the students received a shorter school day than their general education peers, due to transportation schedules for buses serving those students or other administrative reasons. In conducting the review, the district will gather the school class start and end times for these students during the school years and compare those times to the school class start and end times for the general education program at the same school attended by each student with a disability who utilized specialized transportation. In determining the actual school class start and end times for the students with disabilities who received specialized transportation, the district will consider the bell schedule, the bus pickup/drop-off times, information provided informally by the teachers on early releases or late starts, whether students have a different instructional time or hours provided for in their IEPs, and other information the district believes will affect the school class time that is necessary for these students.

Reporting Provision:

By February 1, 2018, the district will provide OCR with a report for its review and approval, documenting the results of the review that it conducted pursuant to Section D.1 above. The report will contain sufficient information to demonstrate that the district considered each of the factors described in Section D.1 when determining the length of the school day provided for students with disabilities who used specialized transportation as compared to students in general education classrooms. The report will identify the students from each school who require compensatory education and the amount of compensatory education for each student as calculated by the district. The district may provide copies of student IEPs or other information to OCR to document why some individual students may be receiving or have received appropriate instructional time that reflects a shorter school day than the general bell schedule for the school. If OCR requires any revisions to the report, the district will make the revisions and resubmit the report within 20 days of receiving OCR's notice of the revisions. OCR and the district will repeat this process until OCR approves the report.

2. For any student eligible for compensatory education as identified in the district's review pursuant to Section D.1, the district will develop a compensatory education plan for each student who missed school class time due to their use of specialized transportation services during the 2015-2016 and/or the 2016-2017 school year. The compensatory education plan will include the amount of the student's compensatory education, proposed dates and times of delivery for the compensatory education, the service provider type, and type of instructional services to be given to the student as part of the compensatory education plan.

Reporting Provision:

Within 15 days of receiving OCR's written approval of the report required by Section D.1, the district will submit to OCR for its review and approval the proposed compensatory education plan for each student identified as needing compensatory education. If OCR requires any revisions to the proposed compensatory education plan(s), the district will make the revisions and resubmit the proposed education plan(s) within 20 days of receiving OCR's notice of revisions. The district and OCR will repeat this process until OCR approves the compensatory education plan(s).

3. The district will send a written notice to the parent(s) or guardian(s) of all students, or (in the case of students who have reached their majority) to the students, who are eligible for a compensatory education plan to offer the parent(s), guardian(s) or students the additional school class time for the student and describe the method the district will use to provide the compensatory education. The notice will allow the parent(s), guardian(s) or students no less than 30 days to respond to the district's offer of compensatory education.

Reporting Provisions:

- a) Within 10 days of receiving OCR's written approval of the compensatory education plan(s), the district will submit to OCR for its review and approval a proposed notice for the parent(s), guardian(s) or students. If OCR requires any revisions to the proposed notice, the district will make the required revisions and resubmit the proposed written notice within 20 days of receiving OCR's notice of revisions. The district and OCR will repeat this process until OCR approves the notice.
 - b) Within 15 days of receiving OCR's written approval of the notice, the district will send the notice(s) to the parent(s), guardian(s) or students by regular, first class mail or e-mail.
 - c) Within 15 days of sending the notice(s) to the parent(s), guardian(s) or students, the district will provide OCR with documentation demonstrating that it sent the notice(s) to the parent(s), guardian(s) or students.
4. The district will implement the compensatory education plan for each student whose parent(s) or guardian(s), or (in the case of students who have reached their majority) for each student who accepted the district's offer.

Reporting Provision:

Within 120 days of sending the notice(s) described in Section D.3, the district will provide a report to OCR documenting its implementation of the compensatory education plan(s). The report will include at a minimum the dates, times and locations that the compensatory education was provided to students, the name of the attending students, each student's current school of enrollment, if any, a description of what instruction was provided to each student, and the name(s) and qualifications of the service providers. The report will also contain a list of the parent(s), guardian(s) or (in the case of individuals who have reached their majority) students who declined the district's offer to provide additional school class time to their student/the student, the parent(s), guardian(s), or students contact information, and the reason(s) provided by the parent(s), guardian(s) or students for not accepting the additional school class time.

OTHER PROVISIONS

- E. 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 Section 504 and Title II and the implementing regulations at 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), which were at issue in this case.

- F. 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 Section 504 and Title II and the implementing regulations at 34 C.F.R. § 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), which were at issue in this case.
- G. The district understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including enforcing the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings, including 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.
- H. This agreement will become effective immediately upon the signature of the Superintendent or his designee below.

Signed:

/s/

Kirk Kolb
Superintendent, Grants Pass School District

September 7, 2017

Date