



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

500 WEST MADISON ST., SUITE 1475
CHICAGO, IL 60661-4544

REGION V
ILLINOIS
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NORTH DAKOTA
WISCONSIN

October 3, 2014

Superintendent Charles Soper
Sawyer School District #16
101 2nd Street West
Sawyer, North Dakota 58781

Re: 05141247

Dear Superintendent Soper:

This is to advise you of the disposition of the above-referenced complaint that was filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), on May 17, 2014, against the Sawyer School District (District) alleging discrimination. Specifically, the complaint alleged that the District discriminated against Student A on the basis of disability by failing to conduct a timely assessment to determine Assistive Technology programming.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance. Title II prohibits discrimination on the basis of disability by public entities. Section 504 and Title II also prohibit retaliation. As a recipient of Federal financial assistance and a public entity, the District is subject to these laws.

In accordance with Section 302 of OCR's *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. Prior to the conclusion of OCR's investigation, the District requested to resolve the complaint. Subsequent discussions resulted in the District signing the enclosed agreement (Agreement) which, when fully implemented, will resolve the issue raised in the complaint. The provisions of the Agreement are aligned with the complaint allegation and are consistent with the applicable regulations.

OCR will monitor the implementation of the Agreement. We look forward to receiving the first monitoring report from the District, which is due by November 15, 2014.

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.

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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.

OCR would like to thank Ms. Meredith Vukelic, Counsel, for her courtesy and cooperation during the pendency of this case. If you have any questions regarding this matter, please do not hesitate to contact me or Mark Erickson of my staff at 312-730-1574.

Sincerely,

Aleeza Strubel
Supervisory Attorney

Enclosure

cc: Ms. Meredith Vukelic