



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

915 2<sup>ND</sup> AVE., SUITE 3310  
SEATTLE, WA 98174-1099

May 12, 2014

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Dr. Hertica Martin  
Superintendent  
Springfield School District 19  
525 Mill Street  
Springfield, Oregon 97477

Re: Springfield School District 19  
OCR Reference No. 10141030

Dear Superintendent Martin:

The Office for Civil Rights in the U.S. Department of Education (OCR) is discontinuing its investigation of the above-referenced complaint filed against Springfield School District 19 on December 11, 2013. The complaint alleged that the district discriminated against a student, on the basis of disability, by failing to implement several classroom modifications and accommodations (frequent checks for understanding, read information aloud, copy of notes available, teacher prompts understanding of work with reference to previous work, use note cards on tests, tests in separate setting at school, explicit expectations or examples of work provided, and time and a half to complete assignments) and certain accommodations for the OAKS assessment (reading the test aloud and one-on-one setting) described in her Individualized Education Program (IEP).

OCR accepted this complaint for resolution under the authority of section 504 of the Rehabilitation Act of 1973 and title II of the Americans with Disabilities Act of 1990 and those statutes' implementing regulations at 34 CFR Part 104 and 28 CFR 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. 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 institution expresses an interest in resolving the complaint. In such a case, the provisions of an agreement to resolve the complaint must be aligned with the complaint allegations or any information obtained during the discontinued investigation and be consistent with applicable regulations. Here, the district requested to resolve the complaint prior to the

conclusion of OCR's investigation. Subsequent discussions with the district resulted in the district signing the enclosed agreement.

The Section 504 regulation at 34 CFR 104.33(a) requires recipients of federal financial assistance from the U.S. Department of Education to provide a free appropriate public education (FAPE) to each qualified person with a disability in the recipient's jurisdiction. FAPE is defined as the provision of regular or special education and related aids and services that are designed to meet the individual needs of a person with a disability as adequately as the needs of nondisabled persons are met. The regulation at 34 CFR 104.33(b)(2) states that implementation of an IEP in accordance with the Individuals with Disabilities Education Act is one means of meeting this requirement. The regulation implementing Title II at 28 CFR 35.130 is interpreted consistent with the Section 504 regulation.

The enclosed agreement requires the district to: (1) review and revise, as necessary, the current policies, procedures and practices at the student's high school to ensure that the modifications, accommodations, and services described in Section 504 plans and Individual Education Plans (IEPs) of disabled students are communicated to the staff members responsible for implementing these plans and that the plans are fully implemented; (2) provide written notice to the school's administrators, teachers, and staff of the revised policies, procedures, and practices; (3) provide training to administrators, teachers, and staff on their obligation to provide disabled students with a free appropriate public education, including the requirement to consistently implement each of the modifications, accommodations, and services described in students' Section 504 plans and IEPs; (4) gather information and input from knowledgeable persons to determine whether and to what extent certain provisions in the student's IEP pertaining to classroom modifications and accommodations and certain accommodations for the OAKS assessment were implemented during the 2013-2014 school year; (5) convene the student's IEP team, including the student's parents, to review the information gathered to determine whether these provisions in the student's IEP plan were implemented during the 2013-2014 school year and, if not, determine what compensatory services, if any, are necessary and promptly offer and provide such services to the student, unless such services are rejected by the parents; and (5) provide written notice to the student's support team and teachers of the requirements of the student's IEP and fully implement the plan.

Effective the date of this letter, OCR considers that the agreement, when fully implemented by the district, will resolve the issues raised by the complaint. OCR will monitor the district's implementation of the agreement, and when OCR concludes the district has fully implemented the terms of the agreement, OCR will terminate its monitoring and close the case. If the district fails to implement the agreement, OCR may resume the investigation.

Please be advised that the district or other person may not harass, coerce, intimidate, threaten, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Section 504 or Title II or those statutes' implementing regulations or because he or she has filed a complaint or participated in the complaint resolution process. See 34 CFR 104.61 (incorporating the prohibition against retaliation at 34 CFR 100.7(e)) and 28 CFR 35.134. If this happens, the individual retaliated against may file a complaint with OCR alleging such retaliation.

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.

Thank you for the assistance the district extended to OCR in resolving this complaint. We look forward to receiving the district's first report on its implementation of the agreement by July 15, 2014. If you have any questions, please contact OCR Attorney Maureen Murphy by telephone at (206) 607-1631 or by e-mail at [maureen.murphy@ed.gov](mailto:maureen.murphy@ed.gov).

Sincerely,

/ s /

Sukien Luu  
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement

cc: Rob Saxton, Deputy Superintendent of Public Instruction  
Special Programs Director, Springfield School District