



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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September 26, 2018

Mr. Robert Freeman  
Interim Superintendent  
Roseburg School District No. 4  
1419 NW Valley View Drive  
Roseburg, Oregon 97471-1767

Re: Roseburg School District No. 4  
OCR Reference No. 10161639

Dear Interim Superintendent Freeman:

This letter is to inform you of the disposition of the above-referenced complaint filed against the Roseburg School District (district) with the U.S. Department of Education (Department), Office for Civil Rights (OCR). The complaint alleged that the district discriminated against a student on the basis of a perceived disability in September of 2016 when it rescinded the student's previously approved transfer to the district from Sutherlin School District (Sutherlin) based on information received from Sutherlin that the student is or may be disabled and that the student is or may be in need of disability-related educational or other related services.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), and their implementing regulations, which prohibit discrimination on the basis of disability in programs and activities that receive federal financial assistance and by public entities, respectively. The district receives federal financial assistance from the Department and is a public entity. Therefore, it is required to comply with these laws.

As explained below, prior to completion of OCR's investigation, the district expressed an interest in voluntarily resolving the complaint and signed the enclosed Voluntary Resolution Agreement (agreement) to address the complaint allegation.

The investigation to date indicated that in September of 2016, the student resided with his mother (parent) in Sutherlin, which is located approximately 14 miles north of Roseburg, Oregon. The student attended school in Sutherlin during most of the 2015-2016 school year and Sutherlin had initiated the process to evaluate the student to determine whether the student needed special education or related aids and services because of a disability. The evaluation process was not completed.

In August of 2016, the parent submitted a request for inter-district transfer from Sutherlin to the district on behalf of the student. The request was initially approved by the superintendents of both districts on August 10, 2016 and the approval reflected that the student would attend an elementary school in the district. Between August 10 and September 2, 2016, the district received additional information about the student from Sutherlin and on September 2, 2018, the district rescinded its approval of the transfer request. The district's position is that it rescinded its approval because of concerns that the evaluation process begun in Sutherlin was not completed and that the district anticipated that the student would need a placement in its turnaround program (TAP), which was full.

The superintendent told OCR that his rescission of the transfer approval was based on his thinking that it would have taken the district several months to complete an evaluation of the student because they would have been starting from scratch, whereas, the process at Sutherlin had already been underway and could have been completed in a few weeks. At this point in the investigation, OCR finds that there is sufficient information to suggest a concern that the district may have been in violation of Section 504 and Title II when it rescinded the inter-district transfer of the student.

In accordance with Section 302 of the OCR 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 allegation and OCR determines that it is appropriate to resolve the issues under investigation with an agreement during the course of an investigation. In this case, the district requested to resolve the complaint prior to the conclusion of OCR's investigation. In light of the district's willingness to address the allegation comprehensively without further investigation, OCR determined that entering into a voluntary resolution agreement was appropriate. Subsequent discussions with the district and its legal counsel resulted in the district signing the enclosed agreement.

OCR will monitor the implementation of the agreement and will close the complaint when OCR determines that the terms of the agreement have been satisfied. The first report under the agreement is due by September 26, 2018.

This letter sets forth OCR's determination in an individual OCR case and should not be interpreted to address the district's compliance with any other regulatory provisions or to address any issues other than those addressed in this letter. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

This concludes OCR's investigation of the complaint. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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.

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 and your staff for your cooperation during the investigation of this complaint. We are closing this case as of the date of this letter. If you have any questions, please contact Jennifer Kuenzli at (206) 607-1675 or at [jennifer.kuenzli@ed.gov](mailto:jennifer.kuenzli@ed.gov).

Sincerely,

Kelli Lydon Medak  
Supervisory Attorney

Enclosure: Resolution Agreement

cc: Jason Montgomery, Attorney  
Honorable Colt Gill, Deputy Superintendent of Public Instruction