

**Resolution Agreement
Roseburg School District No. 4
OCR Reference No. 10161639**

Roseburg School District No. 4 (district) enters into this agreement to resolve the allegation in a complaint (Reference No. 10161639) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. § 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. § 35, which prohibit discrimination on the basis of disability in any educational program or activity operated by a recipient of Federal financial assistance and by public entities.

I. Notice

Within 30 days of the date the agreement is signed by the superintendent, the district agrees to provide written notice to all relevant district employees responsible for or involved in the provision of special education or related services (e.g., Title II and Section 504 coordinators) to 1) remind employees that the district's obligations with respect to evaluation of any student who needs or is believed to need special education or related services apply to each student who is the subject of a request for inter-district transfer; and 2) remind employees that the district is committed to complying with Section 504 and Title II, including the applicability of those laws to students who are the subject of inter-district transfers. The notice will also specifically remind employees of the requirements of Section 504 and Title II that students not be excluded from participation in the district's programs based on a perception that a student has a mental or physical impairment that substantially limits one or more major life activities.

Reporting Requirements

1. By September 26, 2018, the district will provide OCR with a copy of the district's draft notice required in section I.A, above. If OCR requires changes to the notice, the district will submit a revised notice within 30 days of receiving notice of the required changes. The district and OCR will repeat this process until OCR approves the notice.

2. Within 30 days of receiving OCR's approval of the notice, the district will provide OCR a copy of the written notice and information about the method and date of distribution.

II. Individual Remedial Action

By September 26, 2018, the superintendent will send the parent a letter to; 1) express regret for the manner in which the student was referred back to the student's previous school district for evaluation, including not providing the parent with a formal process or opportunity to challenge the district's decision; and 2) advise the parent of the steps that the district is taking to address the issue pursuant to this agreement.

Reporting Requirements

1. By September 26, 2018, the district will submit to OCR a draft of the letter to the student's parent pursuant to the above section for review and approval by OCR.
2. At the time the district sends the approved letter to the parent, the district will provide a copy of the signed letter to OCR.

III. General Provisions

- A. 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 the regulation implementing Section 504 at 34 C.F.R. § 104.3, 104.34, and 104.35 and Title II at 28 C.F.R. § 35.130, which were at issue in this case. Upon completion of the obligations under this agreement, OCR shall close this case.
- B. The district understands and acknowledges OCR may initiate administrative enforcement or judicial proceedings, including 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, 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.

Signed:

/s/

Gerry Washburn
Superintendent
Roseburg School District No. 4

September 24, 2018

Date