

**Voluntary Resolution Agreement  
Sutherlin School District No. 130  
OCR Reference No. 10161648**

Sutherlin School District No. 130 (district) enters into this agreement to resolve an allegation in a complaint (Reference No. 10161648) 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 that the agreement is signed the superintendent, the district agrees to provide written notice to all 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, including the obligation to complete the evaluation in a timely manner and 2) remind employees that the district is committed to complying with Section 504 and Title II.

**Reporting Requirements:**

- a. By October 12, 2018, the district will submit to OCR, for review and approval, a draft of the written notice required in section I.A, above. If OCR requires changes to the notice, the district will submit a revised draft of the notice within 30 days of receiving the required changes. The district and OCR will repeat this process until OCR approves the notice.
- b. Within 30 days of receiving OCR's written approval of the notice, the district will provide OCR with a copy of the written notice and information about the method and date of distribution.

**II. Individual Remedial Action**

By November 12, 2018, the superintendent will send the parent a letter to; 1) express regret for the delay in completing the evaluation of the student and in the district's

determination; b) advising the parent of the steps that the district is taking to address the issue pursuant to this agreement.

### **Reporting Requirements**

1. By October 12, 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. This agreement resolves allegation number 1 in the investigation of OCR Reference No. 10161648.
- B. 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 completing the obligations of this agreement, OCR shall close the case.
- C. The district understands and acknowledges that, if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and that OCR may initiate administrative enforcement or judicial proceedings 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 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/

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Terry Prestianni  
Superintendent  
Sutherlin School District No. 130

September 19, 2018

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Date