



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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May 4, 2018

Dr. Paul Coakley
Superintendent
Centennial School District 28J
18135 SE Brooklyn
Portland, Oregon 97236-1099

Re: Centennial School District 28J
OCR Reference Nos. 10171124 and 10171282

Dear Dr. Coakley:

The U.S. Department of Education (Department), Office for Civil Rights (OCR) is ending its investigation of the referenced complaints against the Centennial School District 28J (District). As explained below, during OCR's investigation, the District requested to resolve the complaints and signed the enclosed Voluntary Resolution Agreement (Agreement) to address the complaint allegations.

The complaints alleged that the District discriminated against a student (Student) and his parent (Parent) on the basis of disability. In particular, OCR Reference No. 10171124 alleged:

1. The District discriminated against the Student based on disability by denying his request to be accompanied by his service dog at school since February 10, 2017.
2. The District failed to provide an equitable grievance process following the Parent's complaint of disability discrimination, which he filed with the District in January 2017 on behalf of the Student regarding the denial of the Student's service dog.

OCR Reference No. 10171282 alleged:

3. The District discriminated against the Student based on disability by denying him a free appropriate public education since January 9, 2017. Specifically, it is alleged that the District failed to evaluate the Student's anxiety, respiratory problems, depression, and anger management, which were health conditions

related to his disabilities, before denying the Student's request to be accompanied by his service dog at school.

OCR initiated its investigation of these complaints under the authority of Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulations at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulations at 28 C.F.R. Part 35. Section 504 and Title II prohibit disability discrimination in programs and activities that receive federal financial assistance and by public entities, respectively. The District receives federal financial assistance from this Department and is a public entity, and is therefore required to comply with these laws.

In accordance with Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved at any time when, prior to the point OCR issues a final determination, a school district expresses an interest in resolving the complaint allegations, and OCR determines that it is appropriate to resolve the complaint allegations with a voluntary resolution agreement. During OCR's investigation, the District requested to resolve the complaints with a voluntary resolution agreement.

To date, OCR's investigation consisted of reviewing information provided by the Complainant, including e-mail correspondence between the District and the Parent, the Student's special education records, and other materials that the Parent provided the District during the 2016-2017 school year. OCR also considered information that was communicated during discussions between the District and OCR.

The information considered indicates that the Student is an individual with a disability who qualifies for special education services under the special education disability category of intellectual disability. The Student enrolled in the District at the start of the 2016-2017 school year. It is undisputed that the Student's individual education program (IEP), which was in effect when the Student enrolled in the District, and the subsequent IEP, which was developed by the District during the 2016-2017 school year, did not reference the Student's service dog or any related aids or services regarding the service dog. The Student stated that his prior school district permitted him to use his service dog at school.

The Student stated that he first asked to bring his service dog to the District's school around the beginning of the 2016-2017 school year. The information provided to OCR indicates that the Parent and the District communicated about the request over several months in 2017. The information also indicates that the Parent filed an internal discrimination complaint with the District regarding the denial of the Student's service dog. Additionally, the information suggests that the Student's health conditions may have been new information for the District.

The evidence obtained thus far from OCR's investigation raises concerns about the timeliness of the District's response to the Student's service dog request and the standards used by the District to assess the service dog request. The evidence also raises concerns about how

appropriately the District responded to the Parent’s internal complaint and the information about the Student’s health conditions. In order to make a determination of compliance or noncompliance with respect to the complaints, OCR would need to conduct additional investigation, including conducting interviews.

After the District requested to resolve the complaints with a voluntary resolution agreement, OCR determined that a voluntary resolution agreement was appropriate for these complaints. Subsequent discussions with the District resulted in the District signing the Agreement, which when fully implemented, will resolve the allegations in the complaints. OCR will monitor the implementation of the Agreement until the District fulfills the terms of the Agreement.

The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation. 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.

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 individual may file a complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related records upon request. In the event that OCR receives such a request, OCR 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 cooperation that you and your staff extended to OCR in resolving these complaints, in particular, Student Services Director Denise Wright. If you have any questions about this letter, you may contact Emily Hazen, Equal Opportunity Specialist, by telephone at (206) 607-1615 or by e-mail at emily.hazen@ed.gov.

Sincerely,

Kelli Lydon Medak
Team Leader

Enclosure: Voluntary Resolution Agreement

cc: XXXXXXXXXXXX, Attorney
XXXXXXXXXXXX, Director of Student Services