



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

915 2ND AVE., SUITE 3310
SEATTLE, WA 98174-1099

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March 20, 2018

Don Grotting
Superintendent
Beaverton School District 48J
16550 SW Merlo Road
Beaverton, Oregon 97003

Re: Beaverton School District 48J
OCR Reference No. 10171345

Dear Superintendent Grotting:

The U.S. Department of Education (Department), Office for Civil Rights (OCR) is ending its investigation of the referenced complaint against Beaverton School District 48J (District). The complaint alleged that the District discriminated against a Parent based on disability when:

1. On September 14, 2017, District staff prohibited the Parent's service dog from accompanying the Parent into XXXXXX Elementary School (School), and asked whether the Parent's service dog was wearing proper identification.
2. On October 12, 2017, District staff informed the Parent that she must submit a doctor's note and her service dog's certification before the Parent's service dog could accompany the Parent at School.

As explained below, prior to completing OCR's investigation, the District requested to resolve the complaint and signed the enclosed Voluntary Resolution Agreement (Agreement) to address the complaint allegations.

OCR initiated its investigation of the complaint 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.

Before the conclusion of OCR's investigation, the District expressed an interest in voluntarily resolving the complaint. In accordance with Section 302 of the OCR's *Case Processing Manual*, a complaint may be resolved at any time when, prior to the point OCR issues a final determination, a

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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. OCR determined that a voluntary resolution agreement was appropriate in this case. Subsequent discussions with the District resulted in the District signing the Agreement, which when fully implemented, will resolve the allegations in the complaint. 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 occurs, 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 this complaint. If you have any questions about this letter, you may contact Charlotte Cunningham, Attorney, by telephone at (206) 607-1610, or by e-mail at charlotte.cunningham@ed.gov.

Sincerely,

Sukien Luu
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement

cc: District Legal Counsel, Beaverton School District