



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

915 2ND AVE., SUITE 3310
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June 13, 2018

Dr. Heather Beck
Superintendent
Lake Oswego School District 7J
P.O. Box 70
Lake Oswego, Oregon 97034-000

Re: Lake Oswego School District 7J
OCR Reference No. 10181133

Dear Superintendent Beck:

This letter is to inform you of the disposition of the above-referenced complaint filed against the Lake Oswego School District (the district) with the U.S. Department of Education (Department), Office for Civil Rights (OCR). The complaint alleged that the district discriminated against students with disabilities taking specialized transportation because the cars used to transport the students with disabilities often arrived to school after the beginning of the school day during fall 2017.

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.

OCR has the authority to enforce Section 504 of the Rehabilitation Act of 1973 (Section 504). This federal civil rights law prohibits disability discrimination in programs and activities receiving federal financial assistance. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), which prohibits disability discrimination by public entities. The district receives federal financial assistance from this Department and is a public entity. Therefore, it is required to comply with these laws.

The regulation implementing Section 504 at 34 C.F.R. §104.4(a) and §104.4(b) prohibits districts, on the basis of disability, from excluding students from participation in, denying students the benefits of, or otherwise subjecting students to discrimination under any program or activity which receives federal financial assistance. Additionally, districts may not provide a qualified person with a disability with an aid, benefit, or service that is not equal to that afforded to others. The regulation implementing Title II at 28 C.F.R. §35.130(a) requires that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

The investigation to date indicated that the district temporarily used private special transportation services at the beginning of the 2017-2018 school year to transport some students with disabilities who required specialized transportation. The private transportation drivers may not have held to the same schedule as

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the district's regular bus transportation in all cases which is alleged to have resulted in delayed arrival at school and potential loss of educational time for the students.

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 concerns identified by OCR comprehensively without further investigation, OCR determined that entering into a voluntary resolution agreement was appropriate. Subsequent discussions with the district resulted in the district signing the enclosed agreement.

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 regardless of OCR's determination.

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.

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 **October 31, 2018**.

Thank you for the cooperation that you and your staff extended to OCR staff in resolving this complaint. If you have any questions, please feel free to contact Claudette Rushing, Attorney, by telephone at (206) 607-1606 or by e-mail at claudette.rushing@ed.gov.

Sincerely,

Paul Goodwin
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement

cc: Honorable Colt Gill, Interim Deputy Superintendent of Public Instruction