



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

915 2<sup>ND</sup> AVE., SUITE 3310  
SEATTLE, WA 98174-1099

REGION X  
ALASKA  
AMERICAN SAMOA  
GUAM  
HAWAII  
IDAHO  
MONTANA  
NEVADA  
NORTHERN MARIANA  
ISLANDS  
OREGON  
WASHINGTON

September 29, 2020

**Via e-mail only to: [supt@longview.k12.wa.us](mailto:supt@longview.k12.wa.us)**

Dr. Dan Zorn  
Superintendent  
Longview School District No. 122  
2715 Lilac Street  
Longview, WA 98632

Re: Longview School District No. 122  
OCR Reference No. 10201135

Dear Dr. Zorn:

This is to inform you of the disposition of the referenced complaint filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR) against the Longview School District No. 122 (District). In the complaint, it is alleged that the District discriminated against the Parent based on disability by failing to make reasonable modifications to its policies, procedures, and/or practices relating to the Parent's participation in her child's special education meetings at XXXXXXXXXXXXX during the 2019-2020 school year.

OCR initiated an investigation of this complaint under the authority of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), and their implementing regulations. Section 504 and Title II prohibit disability discrimination in programs and activities receiving federal financial assistance and by public entities, respectively. The District receives federal financial assistance from this Department and is a public entity. Therefore, it is required to comply with these laws.

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

OCR's investigation to date included reviewing information regarding the Parent's reasonable modification request, including e-mail correspondence between the Parent and District employees and interviews with the Parent, and the Student's special education records, which

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

[www.ed.gov](http://www.ed.gov)

were provided by the Parent. Based on OCR’s review of this information, OCR has identified concerns that the District may not have made reasonable modifications to its policies, procedures, and practices that were necessary to accommodate her disability.

Section 302 of OCR’s *Case Processing Manual* states that a complaint may be resolved at any time when, prior to OCR issuing a final determination, a recipient expresses an interest in resolving the complaint and OCR determines that it is appropriate to resolve the complaint with a voluntary resolution agreement. In this case, prior to the conclusion of OCR’s investigation, the District expressed interest in voluntarily resolving the complaint and OCR has determined that it is appropriate to resolve the complaint with an agreement.

Subsequent discussions with the District resulted in the District signing the enclosed Agreement, which addresses the complaint allegation. OCR will monitor the implementation of the Agreement and will close the complaint when OCR determines that the District has fulfilled 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 correspondence and 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.

If you have any questions about this letter, you may contact Amy Kim, Attorney, by telephone at (206) 607-1621 or by e-mail at amy.kim@ed.gov.

Sincerely,

Barbara Wery  
Team Leader

Page 3 – OCR Reference No. 10201135

Enclosure: Voluntary Resolution Agreement

cc: Mr. Parker Howell, Attorney (Via e-mail only to: [parker@pfrwa.com](mailto:parker@pfrwa.com))  
Ms. Lauren McElroy, Attorney (Via e-mail only to: [lauren@pfrwa.com](mailto:lauren@pfrwa.com))