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CLERK, U. S. DIST. COURT
RICHMOND, VA.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

WILLIAM DAVIS)
)
 Plaintiff,)
)
 v.)
)
 RICHARD BUCKLEY, et al.)
)
 Defendants.)

Civil Action No. 80-0569-R

CONSENT DECREE

Plaintiff and the class he represents are mentally retarded persons institutionalized at Southside Virginia Training Center and mentally retarded residents of the communities in the catchment area of Southside Virginia Training Center. They have charged state and local defendants with a number of violations including violations of 29 U.S.C. §794 and 42 U.S.C. §6010. Joined as a defendant was Patricia A. Harris, Secretary of the United States Department of Health and Human Services.

This action implicitly alleges that the federal defendant, now Richard S. Schweiker, failed to ensure compliance by state and local defendants with requirements of federal law for those programs under which the state and local defendants receive federal financial assistance. Among the federal statutes which plaintiff alleges that the state and local defendants have violated is §504 of the Rehabilitation Act of 1973, 29 U.S.C. §794 as it pertains to health care providers such as Southside Virginia Training Center. Section 504 is enforced by the Office for Civil Rights (OCR) within the Department of Health and Human Services.

Plaintiff and the federal defendant have agreed that the controversy between them should be resolved without the necessity of further litigation. Accordingly, plaintiff and the federal defendant agree:

1. This agreement does not constitute evidence or any admission by any party as to any issue of law or fact;

2. It is the responsibility of the federal defendant to enforce the rights and protections afforded handicapped persons under §504 and its implementing regulation, so that handicapped persons, who are confined to institutions which receive federal financial assistance, are not discriminated against on the basis of their handicap by inappropriate institutionalization or denial of placement, treatment or habilitation;

3. The Office for Civil Rights shall conduct a complaint investigation of Southside Virginia Training Center pursuant to §504. OCR will notify plaintiff's counsel within fifteen (15) working days after the signing of this agreement if it needs additional information. Plaintiff's counsel will be requested to respond with this information within fifteen (15) working days so that work on the investigative plan can begin within thirty (30) days of the signing of the agreement. If OCR is unable to begin work on the plan within this thirty day period because plaintiff's counsel has not provided the necessary information within the designated time period, OCR will so notify plaintiff's counsel. The date the complaint is complete for OCR purposes, so that work on the investigative plan may proceed, will be termed the "initiation date."

4. The Office for Civil Rights will provide plaintiff's counsel with a copy of the HANDBOOK FOR THE IMPLEMENTATION OF SECTION 504 OF THE REHABILITATION ACT OF 1973, within ten (10) working days from the initiation date.

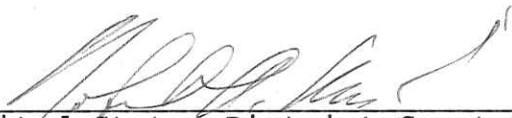
5. The Office for Civil Rights will orally describe to plaintiff's counsel the contents of the investigative plan twenty (20) working days prior to the beginning of any field investigation. Plaintiff's counsel shall have fifteen (15) working days from that date within which to make written or oral comments or suggestions.

6. The Office for Civil Rights will provide to plaintiff's counsel copies of all requests for data sent to Southside Virginia Training Center.

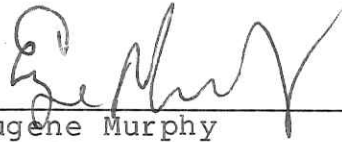
7. The Office for Civil Rights will provide plaintiff's counsel with a copy of the final Letter of Findings which may include a report of findings and a recommendation for action. Counsel will also be provided with any final Notice of Opportunity for Hearing and/or Conciliation Agreement which may be issued in this matter.

8. In the event the Letter of Findings is not issued within six (6) months from the initiation date, OCR through its counsel shall inform plaintiff's counsel orally or in writing of the status of the case. Written confirmation of any oral communication with plaintiff's counsel regarding the status of the case will be maintained by OCR. Information on the status of the case will be provided plaintiff's counsel every three months thereafter until the Letter of Findings is issued.

9. Plaintiff shall move the court for an order dismissing the federal defendant from this action within five (5) working days from the signing of this agreement.

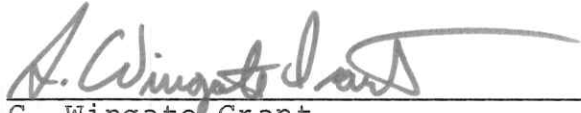

United States District Court Judge

8-12-81



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