



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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CHICAGO, IL 60661-4544

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December 16, 2015

Dr. Rod Thompson
Superintendent
Shakopee School District #720
1200 Town Square
Shakopee, MN 55379

Re: OCR #05-15-1325
Shakopee School District

Dear Dr. Thompson:

This is to advise you of the disposition of the above-referenced complaint that was filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR) on June 22, 2015, against Shakopee School District #720 (District) alleging discrimination on the basis of disability. Specifically the Complainant alleges the District discriminated against the Complainants' son (Student A) based on disability (XXXXXXXX) when, the District failed to transfer Student A's Section 504 Plan to the XXXXXXXX and failed to implement Student A's Section 504 plan during the 2014-15 school year.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance (FFA). OCR is also responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities. As a recipient of FFA from the Department and a public entity, the School is subject to these laws.

OCR's investigation established that during the 2013-2014 school year, Student A attended XXXXXX. XXXXXXXX, the District developed a Section 504 plan for Student A in XXXXXX. At the start of the 2014-2015 school year, Student A matriculated as a XXXXXXXX. In XXXXXXXX, Student A's parents were notified that Student A's Section 504 plan had not been distributed to his teachers at the start of the 2014-2015 school year, and consequently had not been implemented since that time. In XXXXXX, the District met with Student A and his parents to revise the Section 504 plan, which originated XXXXXXXX.

In accordance with Section 302 of OCR's *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. Prior to the conclusion of OCR's investigation, the District expressed an interest in resolving the complaint. On December 16, 2015, the District signed the enclosed agreement (Agreement) which, when fully implemented, will fully address the issues raised in the complaint. The provisions of the Agreement are aligned with the issues raised by

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the allegation and the information obtained during OCR's investigation and are consistent with the applicable regulations. OCR will monitor the School's implementation of the Agreement. We look forward to receiving the District's first report on its implementation of the Agreement, which is due by January 31, 2016.

Please be advised that the School 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 provide 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 extended to OCR during the resolution of this complaint. If you have any questions about this determination, please feel free to contact me or Lauren Skerrett, Attorney Advisor at (312) 730-1603.

Sincerely,

Ann Cook-Graver
Supervisory Attorney

Enclosure

cc: Peter Martin
Knutson, Flynn & Deans, P.A