



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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CHICAGO, IL 60661-4544

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December 3, 2013

Mr. Dennis Carlson
Superintendent
Anoka-Hennepin School District #11
11299 Hanson Blvd N.W.
Coon Rapids, MN 55433

Re: OCR #05-13-1135

Dear Mr. Carlson:

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 January 30, 2013, against the Anoka-Hennepin School District (District) alleging discrimination on the basis of disability.

Specifically, the Complainant alleged that the District discriminated against her son (Student A), a student at the District's Blaine High School (School), based on disability (XXXXXXXXXXXXXXXXXXXXXXXXXXXX) when:

1. From December 6, 2011, through June 2012, the School failed to implement the following provisions of Student A's Section 504 Plan:
 - a. Provide class notes in XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX classes;
 - b. Communicate weekly with the Complainant regarding Student A's conduct during class time and to request information regarding missing assignments.
 - c. Respond to the Complainant's email requests regarding Student A's performance in XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX classes;
 - d. Allow Student A to use index cards in XXXXXXXXXXXXXXXXXXXXXXXX
classes; and
 - e. Provide extended time to complete assignments in XXXXXXXXXXXXXXXX class.

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

2. From August 2012 to February 2013, the School failed to implement the following provisions of Student A's Section 504 Plan:
 - a. Provide class notes in XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX class;
 - b. Maintain weekly email communications between the Complainant and Student A's XXXXXXXXXXXXXXXXXXXX teachers to monitor his progress and obtain missing assignments;
 - c. Allow Student A to use index cards in Language & Composition class and Biology class;
 - d. Provide extended time during classroom tests in XXXXXXXXXXXXXXXXXXXX class; and
 - e. Administer tests in small segments based on Student A's needs.

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 District is subject to these laws.

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 2, 2013, 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 the allegation and the information obtained during OCR's investigation and are consistent with the applicable regulations. OCR will monitor the District'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 December 16, 2013.

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.

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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 Emily Martin, Equal Opportunity Specialist, at 312-730-1560.

Sincerely,

Ann Cook-Graver
Supervisory Attorney

Enclosure

cc: Cherie Peterson
Interim Special Education Director

Tim Palmatier
Kennedy & Graven