



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

500 WEST MADISON ST., SUITE 1475
CHICAGO, IL 60661-4544

**REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN**

November 17, 2014

Ms. Tamara Uselman
Superintendent
Bismarck Public Schools
806 North Washington Street
Bismarck ND 58501

Re: OCR Docket #05-14-1258

Dear Ms. Uselman:

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) against the Bismarck Public Schools (District), alleging discrimination on the basis of disability. Specifically, the complaint alleged that during the 2013-2014 school year, the District discriminated against Student A, a fourth-grade student at Solheim Elementary School (School), based on his disability (diabetes) because the District indicated that it would not provide the emergency diabetes services required by his Section 504 Plan.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504), and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132 (Title II), and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by educational programs or activities that receive Federal financial assistance and public entities, respectively. As a recipient of Federal financial assistance and a public entity, the District is subject to Section 504 and Title II.

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 requested to resolve the complaint. Subsequent discussions with the District resulted in the District signing the enclosed agreement (Agreement) which, when fully implemented, will resolve the issues raised in the complaint. The provisions of the Agreement are aligned with the complaint allegations 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. 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, you 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.

We appreciate the cooperation extended to us by your staff, in particular Lisa Kudelka, and look forward to receiving the District's monitoring report, which is due by January 15, 2015. If you have any questions regarding this matter, please do not hesitate to contact me or Mr. Tom Okawara, Equal Opportunity Specialist, at 312-730-1597.

Sincerely,

Aleeza Strubel
Supervisory Attorney

Enclosure

cc: Lisa Kudelka