

September 30, 2015

XXXX XXXX
XXXX XXXX.
XXXX XXXX
XXXX XXXX

Re: Docket # 07081121

Dear XXXX:

On March 3, 2008, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against your client, the Beatrice Public Schools (District), Beatrice, Nebraska, alleging discrimination on the basis of disability. This letter is to confirm the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

The complainant alleged the District discriminated against **XXXX XXXX XXXX** other students who have type 1 juvenile diabetes by failing to provide these students with a free appropriate public education (FAPE) by:

- 1) **X---paragraph redacted---X;**
- 2) failing to evaluate these students for necessary aids and services; and
- 3) forcing these students to attend one elementary school in the District that has a full time nurse to assist in monitoring and managing their blood glucose and insulin levels.

OCR is responsible for enforcing:

- Section 504 of the Rehabilitation Act of 1973, 29 United States Code (U.S.C.) § 794, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance (FFA), and
- Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131, 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 Section 504 and Title II. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

OCR sent notification letters to the parties, including a data request to the District, on March 20, 2008. OCR requested additional data from the District on February 18, 2014, March 10, 2014, November 25, 2014 and July 16, 2015. OCR interviewed the Complainant on August 22, 2008, and continued communicating with the Complainant through November 23, 2014.¹

According to the information provided by the District through July 16, 2015, the complainant's daughter self-managed her diabetes care at her neighborhood school but did not have a Section 504 plan due to her mother's request. **X---paragraph redacted---X**. On August 25, 2015, the District expressed an interest in resolving the allegations of this complaint pursuant to section 302 of OCR's *Case Processing Manual*.² Prior to the completion of OCR's investigation, the District submitted a signed Agreement (copy enclosed) on September 29, 2015, that, when fully implemented, will address this complaint. Please consult the Agreement for further details.

OCR considers the allegation of this complaint resolved effective the date of this letter and will monitor the District's implementation of the Agreement. When OCR concludes the District has fully implemented the terms of the Agreement, OCR will close the complaint. If the District fails to carry out the Agreement, OCR may resume the investigation.

This letter sets forth OCR's determination in an individual OCR case. 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. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

OCR is committed to prompt and effective service. If you have any questions, please contact XXXX XXXX, Equal Opportunity Specialist, (816) XXX XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXX.XXXX@ed.gov..

Sincerely,

Joshua Douglass
Chief Attorney

¹ OCR was unable to reach the Complainant by telephone or email after this date.

² OCR's *Case Processing Manual* may be accessed at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

Enclosure