



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS -- REGION VII

June 26, 2014

XXXXXX XXXXXX
XXXXXX XXXXXX
XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX
XXXXXX XXXXXX XXXXXX XXXXXX
XXXXXX, Kansas XXXXXX

Re: OCR Docket # 07131136

Dear Ms. XXXXXX:

On April 24, 2013, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint alleging discrimination on the basis of disability by your client, the Fort Scott U.S.D. #234 (District), Fort Scott, Kansas. This letter confirms the voluntary resolution of the above-referenced complaint.

The complainant alleged the District discriminated against her son on the basis of disability by:

- 1) denying him a free appropriate public education by failing to evaluate him and provide him regular or special education and related aids and services designed to meet his individual educational needs in a timely manner;
- 2) physically restraining him on multiple occasions thereby creating a hostile educational environment;
- 3) treating him differently than his nondisabled peers by refusing to permit him to attend school during most of January and February 2013;
- 4) treating him differently than his nondisabled peers by placing him in a seclusion room or isolation room apart from other students for his entire school day;
- 5) treating him differently than his nondisabled peers by shortening his school day to limit his interactions with other students; and
- 6) treating him differently than his nondisabled peers by dis-enrolling him in March 2013 during his hospitalization.

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www.ed.gov

OCR is responsible for enforcing:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 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.
- Title II of the Americans with Disabilities Act of 1990 (Title II), 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 Federal financial assistance 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>.

Before OCR's investigation was completed, the District expressed an interest in voluntarily resolving this OCR complaint. On June 25, 2014, the District signed the enclosed Resolution Agreement (Agreement) that, when fully implemented, will address the complainant's allegations.

OCR considers the allegations 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 this complaint. If the District fails to fully implement any of the provisions in the Agreement, OCR may resume its investigation.

This letter sets forth OCR's determination in an individual 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.

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Thank you for your assistance and efforts to resolve voluntarily this complaint. If you have any questions, please contact XXXXX XXXXX, Attorney, at (XXX) XXX-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.XXXXX@ed.gov.

Sincerely,

/s/ Karl Menninger

Karl Menninger
Supervisory Attorney

Enclosure

cc: Dr. Brad Neuenswander
Interim Commissioner of Education