

November 14, 2013

XXXXXX XXXXXX, XXXXXX  
Kansas City Public Schools  
Manual Tech Center  
1215 East Truman Road, Room 2075  
Kansas City, Missouri 64106

Re: Docket # 07131143

Dear Mr. XXXXXX:

On May 2, 2012, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Kansas City #33 School District (District), Kansas City, Missouri, 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.

Specifically, the complainant alleged that during the 2012-13 school year the District denied her son a free appropriate public education by failing to evaluate him to see if he qualified for special education or related services when it had reason to suspect that he had a disability (XXXXXX, XXXXXX, and XXXXXX/XXXXXX).

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 at 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 at 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>.

Prior to the completion of OCR's investigation, the District submitted a signed Agreement (copy enclosed) on November 14, 2013 that, when fully implemented, will address the

allegations of this complaint. 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. The Agreement is only intended to address those legal issues that were included in the Agreement; it is not intended to and should not be interpreted to address any other issues or compliance with any regulation enforced by OCR.

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.

Please note our office has moved. The new mailing address for OCR is:

U.S. Department of Education  
Office for Civil Rights  
One Petticoat Lane  
1010 Walnut Street, Suite 320  
Kansas City, Missouri 64106

OCR is committed to prompt and effective service. If you have any questions, please contact XXXXX XXXXX, Attorney, at (816) 268-XXXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.XXXXX@ed.gov.

Sincerely,

/s/ Maria L. North

Maria L. North  
Supervisory Attorney

Enclosure

cc: Dr. Chris Nicastro  
Commissioner of Education