



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS -- REGION VII

May 12, 2014

XXXXX X. XXXXX
XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX
XXXXX XXXXXX XXXXXX
XXXXXX, XXXXXX XXXXXX

Re: OCR Docket # 07141014

Dear XXXXXX XXXXXX:

On October 31, 2013, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against your client, the Chase County Unified School District #284 (District), Cottonwood Falls, Kansas, alleging discrimination on the bases of disability and race. 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 her son on the bases of disability and race by:

1. allowing the bus driver to verbally harass him;
2. restricting him talking to other student's on the bus;
3. requiring him to sit in the back of the bus by himself; and
4. referring him to law enforcement for disciplinary infractions for which other students are not referred.

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 (FFA).

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www.ed.gov

- 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.
- Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation at 34 C.F.R. Part 100. The Title VI regulation prohibits discrimination on the basis of race, color or national origin by recipients of FFA.

As a recipient of FFA from the Department and a public entity, the District is subject to these laws. Additional information about OCR and the laws we enforce 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 May 9, 2014, that, when fully implemented, will address the allegations of this complaint. The Agreement requires the District to: evaluate the complainant's son for eligibility to receive special education or related services and determine whether compensatory education is appropriate;¹ identify an individual to serve as the complainant's son's primary contact in the event he needs to report harassing conduct; make a written offer for up to 10 (ten) counseling sessions with a school psychologist to process the alleged harassment; and train District employees regarding race and disability discrimination and harassment. Please consult the Agreement for further details.

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 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.

¹ The District will provide documentation from the evaluation conducted by the multidisciplinary team for OCR's review and approval to ensure the District satisfied 34 C.F.R. §§ 104.33 and 104.35 in determining whether the complainant's son should receive compensatory services before implementing any compensatory education decision.

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

Sincerely,

/s/ Joshua Douglass

Joshua Douglass
Supervisory Attorney

Enclosure

cc: XXXXX XXXXX XXXXX

Kansas Commissioner of Education