



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS -- REGION VII

April 21, 2014

Sent via email to [xxxxx](#)

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Re: OCR Docket # 07141015

Dear Ms. xxxxxx:

On November 4, 2013, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against your client, the Stockton U.S.D. #271 (District), Stockton, Kansas, alleging retaliation on the basis of disability. This letter confirms the voluntary resolution of the above-referenced complaint.

The complainant specifically alleged the District retaliated against her after she advocated on behalf of her son for a free appropriate public education (FAPE) by:

- 1) X---paragraph redacted---X;
- 2) X---paragraph redacted---X;
- 3) X---paragraph redacted---X; and
- 4) X---paragraph redacted---X.

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. The Section 504 regulation at 34 C.F.R. § 104.61, incorporates by reference the regulatory provision of Title VI of the Civil

Rights Act of 1964 at 34 C.F.R. § 100.7(e), which prohibits retaliation, including intimidation, threats, coercion, or discrimination, for engaging in an activity that is protected under the laws OCR enforces. Protected activities include opposing discrimination or any act or practice made unlawful by these laws, or making a

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complaint, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing under these laws.

- 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. The Title II regulation at 28 C.F.R. 35.135 also prohibits retaliation for engaging in an activity that is protected under Title II.

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 April 14, 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.

Thank you for your assistance and efforts to resolve voluntarily this complaint. If you have any questions, please contact xxxxx xxxxx, Attorney at (816) 268-xxxx (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at xxxxx.xxxxx@ed.gov.

Sincerely,

Karl Menninger
Supervisory Attorney

Enclosure

cc: Dr. xxxxx xxxxx
xxxxxx xxxxx xxxxx xxxxx