



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS -- REGION VII

September 5, 2014

Russell Moreland, Superintendent
Pierce City R-VI School District
300 Myrtle Street
Pierce City, Missouri 65723

Re: OCR Docket # 07141121

Dear Superintendent Moreland:

On March 26, 2014, the U.S. Department of Education, Office for Civil Rights (OCR), received a complaint alleging discrimination on the basis of disability by the Pierce City R-VI School District (District), Pierce City, Missouri. This letter is to confirm the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

Specifically, the complainant alleged the District:

- 1) discriminated against her sons on the basis of their disability (XXXXXX XXXXXX XXXXXX) by treating them differently than similarly situated students without a disability when the District excluded them from extracurricular and nonacademic activities during the 2013-14 school year; and,
- 2) failed to establish an effective evacuation plan for the complainant's sons in case of an emergency or during fire drills.

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 (FFA).
- 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.

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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>.

Prior to the completion of OCR's investigation, the District submitted a signed Agreement (copy enclosed) on September 4, 2014 that, when fully implemented, will address the allegations of this complaint. 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 resolution letter and Agreement are intended to address only those issues that are included in the Agreement or discussed in the resolution letter. They are not formal statements 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 Agreement and this letter are not intended and should not be construed to address the District's compliance with the regulations implementing Section 504, Title II, or any other statutes enforced by OCR that are not specifically addressed herein. 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 XXXXXX XXXX, Attorney, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXXXXX.XXXX@ed.gov.

Sincerely,

/s/ Maria North

Maria North
Supervisory Attorney

Enclosure

cc: Dr. Chris Nicastro
Commissioner of Education