

January 20, 2015

XXXXX X. XXXXX, Attorney  
Kansas Association of School Boards  
XXXXX X.X. XXXXX XXXXX  
XXXXX, XXXXX XXXXX-XXXXX

Re: OCR Docket # 07141167

Dear Ms. XXXXX:

On June 25, 2014, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint based on disability and retaliation against the Parsons Unified School District #503 (District), Parsons, Kansas. This letter is to confirm that the District has voluntarily submitted a Resolution Agreement to OCR to resolve this complaint.

Specifically, the Complainant alleged the District:

1. Denied her daughter (the Student), a student with a disability (XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX, XXXXX XXXXX, XXXXX XXXXX, XXXXX XXXXX XXXXX, XXXXX, XXXXX XXXXX, XXXXX, XXXXX XXXXX, XXXXX) a free appropriate public education by:
  - a. failing to promptly and appropriately evaluate, develop and implement a program of regular or special education and related aids and services designed to meet her individualized educational needs during the 2013-14 school year;
  - b. failing to consider all the information provided by the Complainant in support of the Student's diagnosis;
  - c. failing to consider the Complainant's input in the 504 evaluation process;
  - d. failing to provide the Complainant with a notice of procedural safeguards for the 2013-14 school year;
  - e. arbitrarily changing the Student's educational placement without demonstrating that she could not be educated in the general education classroom with the use of supplementary aids and services;
  - f. failing to remove Student from seclusion in the Elementary Transition Room (ETR) after finding her eligible for a Section 504 plan; and



activities in front of the Complainant's other children and attempting to dissuade the Complainant from her efforts to advocate for the Student.

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). The Section 504 regulation at 34 C.F.R. § 104.61 incorporates by reference the regulation implementing Title VI of the Civil Rights Act of 1964 at 34 C.F.R. § 100.7(e) which prohibits retaliation; and
- 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. The Title II regulation at 34 C.F.R. § 35.134 prohibits retaliation by public entities.

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 January 16, 2015 that, when fully implemented, will address the allegations in this complaint.

OCR considers 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 its 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.

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OCR is committed to prompt and effective service. 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 e-mail at [XXXXX.XXXXX@ed.gov](mailto:XXXXX.XXXXX@ed.gov).

Sincerely,

/s/ Karl Menninger

Karl Menninger  
Supervisory Attorney

Enclosure