



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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KANSAS CITY, MO 64106

REGION VII
KANSAS
MISSOURI
NEBRASKA
OKLAHOMA
SOUTH DAKOTA

September 29, 2017

Sent via email to [XXXXX](#)

XXXXX X. XXXXX, Attorney
XXXXX, XXXXX & XXXXX
XXX XXXXX XXXXX, XXXXX XXX
XXXXX, XXXXX XXXXX-XXXX

Re: Docket # 07151154

Dear Mr. XXXXX:

On April 29, 2015, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint alleging discrimination on the bases of disability and retaliation by your client, the Alva Independent School District #001 (District), Alva, Oklahoma. This letter is to confirm the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve the above-referenced complaint.

The complainant alleged the District discriminated against her sons based on the following allegations:

1. The District failed to provide her older son a free appropriate public education (FAPE) by:
 - a. Failing to reevaluate her son.
 - b. Failing to conduct a timely manifestation determination with respect to his suspension or exclusion from school during the spring XXXX semester.
 - c. Allowing her son to leave the classroom during instructional time and go to the school lounge or walk around the school campus during the XXXX-XX academic year.
2. The District failed to investigate allegations of bullying against her older son because of his disability after it was reported to a school administrator during the XXXX-XX academic year.
3. The District retaliated against her younger son because of her advocacy efforts for her older son by disciplining her younger son more harshly than the other students involved

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

in an incident in the spring XXXX semester, and failing to provide her younger son with a placement test after he was disciplined.¹

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).
- 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 FFA 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>.

On June 22, 2015, OCR sent notification letters to the parties, including a data request to the District. On July 17, 2015, the District provided OCR with a response to OCR's data requests. OCR conducted interviews with some of the District's staff on September 15 and 16, 2015. The District subsequently expressed to OCR an interest in engaging in resolution negotiations pursuant to section 302 of OCR's *Case Processing Manual*.²

Prior to the completion of OCR's investigation, the District submitted a signed Agreement (copy enclosed) on September 28, 2017, that, when fully implemented, will address OCR's concerns regarding the District's policies and procedures as raised by the above-referenced complaint. That Agreement provides for revision and publication of the District's nondiscrimination notice and revisions to the District's policies and procedures pertaining to Section 504/Title II, anti-discrimination, and direct threat, as well as training for all District staff. 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 On October 9, 2015, the complainant withdrew her third complaint allegation.

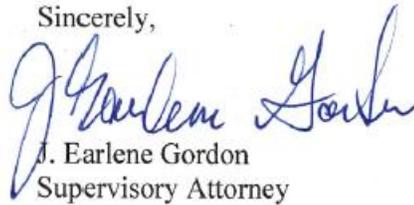
² OCR's *Case Processing Manual* may be accessed at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

Please be advised that the District may not harass, coerce, intimidate, or discriminate against the complainant because she filed a complaint or participated in the complaint resolution process. If this happens, the complainant may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Thank you for your cooperation with OCR's 302 resolution process. 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,

A handwritten signature in blue ink, appearing to read "J. Earlene Gordon".

J. Earlene Gordon
Supervisory Attorney

Enclosure