



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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REGION VII  
ARKANSAS  
KANSAS  
MISSOURI  
NEBRASKA  
OKLAHOMA  
SOUTH DAKOTA

April 25, 2023

Sent via email only, to: XXXXX

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Re: Bellevue Public Schools  
OCR Compliance Review No. 07155001

Dear XXXXX XXXXX:

This letter is to confirm the resolution of the above-referenced compliance review of the Bellevue Public Schools (the District), initiated by the U. S. Department of Education, Office for Civil Rights (OCR). The compliance review assessed whether the District discriminated against students with disabilities by subjecting them to restraint and seclusion more frequently and excessively than students without disabilities thereby denying them an opportunity to receive a free appropriate public education (FAPE), and whether the District appropriately addressed harassment of students with disabilities by peers or District staff in violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, or Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

OCR reviewed District records and documentation regarding the use of student restraint and seclusion from the 2013–14 school year through the 2015–16 school year, as well as updated information the District provided to OCR in April 2017 and August 2018. OCR also reviewed information and data related to instances of alleged harassment of students based on disability during the same time periods, including the District’s policies and procedures prohibiting discrimination and harassment of students based on disability. OCR conducted site visits to eight locations that represented a cross-section of the District by grade level and frequency of restraint and/or seclusion. During the site visits, OCR viewed seclusion areas and reviewed individual student records regarding instances of restraint and seclusion. OCR interviewed the District’s XXXXX XXXXX XXXXX XXXXX, XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX, XXXXX XXXXX XXXXX XXXXX XXXXX, XXXXX XXXXX XXXXX, XXXXX XXXXX XXXXX, XXXXX XXXXX XXXXX XXXXX, XXXXX, and XXXXX XXXXX XXXXX.

The evidence obtained during OCR’s review raised several compliance concerns. OCR had concerns that the District’s restraint and seclusion documentation policies were inconsistently administered, and that the District had no formal plan to track and assess the use of restraint and seclusion on a District-wide basis. OCR also had concerns as to whether the District denied students with disabilities a FAPE. The District did not formally or consistently offer compensatory services, when appropriate, to students with disabilities who lost instruction time due to restraint and/or seclusion, particularly those students who were subject to multiple instances of restraint and/or seclusion. Finally, the evidence also raised compliance concerns related to the District’s collection of data regarding disability harassment. During the investigation, the District modified its student information system to track harassment of students with disabilities and to ensure needed follow-up with the parties involved in complaint processes.

Prior to OCR’s completion of its investigation, the District expressed an interest in resolving this compliance review under Section 302 of OCR’s *Case Processing Manual*. OCR determined that such resolution would be appropriate, and on May 1, 2019, the District voluntarily entered into a Resolution Agreement with OCR to resolve the compliance concerns identified in this review. Specifically, the Resolution Agreement requires the District to:

- design and implement a system to ensure the District accurately records and transmits—to a central District receiving point—the number of uses of restraint and seclusion in the District to allow for accurate internal review and reporting of restraint and seclusion use;
- undertake a comprehensive study of its use of restraint and seclusion during the 2017–18 school year, and through December 31, 2018, of the 2018–19 school year, to self-identify areas of concern, and propose recommendations to address any concerns;
- develop a comprehensive plan to assess whether students subjected to multiple instances of restraint and/or seclusion have been denied a FAPE and consider: (1) whether any of those students should be provided compensatory services; (2) whether any of those students should have their educational program modified; and/or (3) whether a new placement is appropriate for any student;
- conduct a review of existing District policies and procedures relating to disability discrimination, including disability harassment, to ensure they adequately address complaints of disability discrimination and provide for the prompt, thorough, and effective resolution of complaints alleging disability discrimination; and
- provide training to all staff who are directly involved in processing, investigating, and/or resolving complaints or other reports of disability discrimination, including harassment complaints, and any personnel who are likely to receive reports of disability discrimination or harassment.

OCR is reviewing data that the District submits under the provisions of the Resolution Agreement as part of its ongoing monitoring of the District’s compliance with Section 504 and Title II.

This letter sets forth OCR's determination in a compliance review and should not be interpreted to address the College's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. 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.

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

Thank you for your cooperation during this compliance review. If you have any questions, please contact XXXXX XXXXX, Attorney, at XXXXX XXXXX - XXXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.

Sincerely,

Bradley Burke  
Regional Director

Enclosure

cc: XXXXX XXXXX XXXXX (via email to XXXXX)