

April 25, 2016

Attorney XXXX XXXXX  
XXXX XX XXXXXXXXXXXX XXXX  
XXXXXX, XXXXX XXXXX

Re: Docket # 07161013

Dear Attorney XXXXX:

On October 15, 2015, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Clay Center USD #379 (the District), Clay Center, Kansas, alleging discrimination on the basis of disability. This letter is to confirm the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

Specifically, the Complainant alleged that the District discriminated against her son (the “Student”) on the basis of disability by:

1. failing to implement the Student’s individualized education plan (“IEP”) when Clay Center Community High School teachers and school administrators did not provide the Student with a space to “cool down” as required by the IEP;
2. subjecting the Student to different treatment than the Student’s non-disabled peers in the administration of disciplinary sanctions;
3. denying the Complainant’s request for evaluation of the Student to determine whether the Student was a child with a disability and to determine the Student’s educational needs; and
4. violating procedural safeguards requirements after taking action regarding the identification, evaluation, or educational placement of 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).
- 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.

As a recipient of FFA from the Department and a public entity, the District is subject to these laws. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

On December 7, 2015, OCR sent notification letters to the complainant and the District, including a data request to the District. On December 18, 2015, the District provided OCR with a partial response to OCR's data requests. On January 22, 2016, the District supplemented its initial response to OCR's data request by providing the remaining data requested in OCR's notification letter. OCR scheduled an onsite visit to conduct interviews of District employees on March 30, 2016 and March 31, 2016. On March 28, 2016, the District expressed to OCR an interest in engaging in resolution negotiations pursuant to Section 302 of OCR's *Case Processing Manual*.<sup>1</sup>

Prior to the completion of OCR's investigation, the District submitted a signed Agreement (copy enclosed) on April 22, 2016 that, when fully implemented, will address the allegation[s] of this complaint and any concerns raised during the course of the investigation.

OCR considers the allegation[s] 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. You 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 XXXXXXX XXXXXXXXXXXX, Staff Attorney, at (816) XXX-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXXXX.XXXXXXXXXX@ed.gov.

Sincerely,

/s/ J. Earlene Gordon

J. Earlene Gordon  
Supervisory Attorney

Enclosure

---

<sup>1</sup> OCR's *Case Processing Manual* is online at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.