



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VII
KANSAS
MISSOURI
NEBRASKA
OKLAHOMA
SOUTH DAKOTA

March 27, 2017

XXXXX, Esq,
XXXXX
XXXXX
St. Louis, Missouri 63141

Re: Docket # 07171017

Dear Ms. XXXXX:

On October 24, 2016, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Ava R-I School District (District), Ava, Missouri, alleging discrimination on the basis of disability. This letter is to confirm the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve the complaint.

Specifically, the complaint alleged the District denied the complainant's son a free appropriate public education (FAPE), when it failed to consider or provide him with homebound instruction before and after his October 26, 2016 heart surgery, in violation of 34 Code of Federal Regulations (C.F.R.) §104.33.

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); 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.

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>.

On November 16, 2016, OCR staff spoke with the Complainant to clarify his allegations. On December 6, 2016, OCR issued notification letters informing the Complainant and the District of the allegation identified above and that OCR determined that it was appropriate to employ the

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

Rapid Resolution Process (RRP). The District requested to resolve this matter on December 29, 2016, and, on March 26, 2017, the District returned the enclosed, signed Agreement.

The Agreement requires the District to (1) convene a multidisciplinary meeting in order to determine the amount of compensatory services the Student is entitled to and to create a schedule to provide those services; and (2) provide training to all teachers and administrators who may receive a request for medical homebound services regarding the District's 504 policies and procedures and how they relate to requests for medical homebound services. Please consult the Agreement for further details.

OCR considers the 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.

The District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, please be advised 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.

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.

OCR is committed to prompt and effective services. 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.

Sincerely,

Maria North
Supervisory Attorney

Enclosure

cc: Dr. XXXXX XXXXX, Superintendent