



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VII
KANSAS
MISSOURI
NEBRASKA
OKLAHOMA
SOUTH DAKOTA

June 29, 2017

XXXXX XXXXX, Esq.
XXXXX XXXXX
XXXXX XXXXX
XXXXX XXXXX

Re: Docket Number 07171110

Dear Ms. XXXXX:

On February 14, 2017, the U.S. Department of Education, Office for Civil Rights (OCR) received a complaint filed against Ozark R-VI School District (District), Ozark, 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, OCR opened the following issues for investigation:

1. whether the District discriminated against the Complainant's son (the Student) on the basis of disability (severe peanut allergy) when it failed to provide the Student a free appropriate public education (FAPE) in violation of 34 Code of Federal Regulations (C.F.R.) § 104.33(a) and (b), by failing to conduct an evaluation of the Student to determine whether he is a qualified individual with a disability who requires appropriate regular or special education and related aids and services; and
2. whether the District discriminated against the Student on the basis of disability when it failed to provide the Student an equal opportunity to participate in non-academic and extracurricular activities in violation of 34 C.F.R. §104.37.

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.

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

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 March 9, 2017, OCR spoke with the Complainant regarding her allegations. Prior to issuing notification letters, OCR determined that the complaint allegations were appropriate for the Rapid Resolution Process (RPP) as set out in Section 207 of the *Case Processing Manual*. On April 21, 2017, OCR contacted the District regarding the complaint allegations and the possibility of early resolution. The District immediately informed OCR it was interested in resolving the complaint using RRP. On May 11, 2017, OCR issued notification letters informing the Complainant and the District of the allegations above and also sent the District a proposed resolution agreement for consideration. On June 29, 2017, the District returned the enclosed, signed Agreement.

The Agreement requires the District to (1) convene a 504 evaluation meeting and create a 504 plan for the Student, (2) educate students in the Student's class and their parents about the severity and the potential consequences of the Student's allergies, and (3) provide training to all teachers, staff members, counselors and administrators regarding the Section 504 policies and procedures and how they relate to students with allergies. 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,

Anne Bradley
Acting Supervisory Attorney

Enclosure