



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

October 6, 2017

Sent via email to XXXXX.XXXXX@XXXXX.org

XXXXX XXXXX, XXXXX  
XXX XXXXX X XXXXX  
XXXXX, XXXXX XXXXX

Re: Jenks Public Schools  
OCR Case Number: 07171197

Dear Superintendent Butterfield:

On May 18, 2017, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against Jenks Public Schools (District), Jenks, Oklahoma, 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 Complainant alleged her son (Student) was discriminated against on the basis of disability when he was excluded from the XXXXX field trip on XXXXX XX, XXXX. In addition, the Complainant alleged the principal told her that the Student's participation on the field trip could not be addressed in his Individualized Education Plan (IEP) because it was an extra-curricular activity, and the principal refused to provide school staff or allow an adult family member (unless a parent) to accompany the Student on the field trip.

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. The Section 504 regulation at 34 C.F.R. § 104.61 incorporates by reference the Title VI regulation prohibiting retaliation.
- 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 Title II regulation at 28 C.F.R. § 35.134 prohibits retaliation by public entities.

As a recipient of FFA 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>.

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

Prior to the completion of OCR's investigation, the District submitted a signed Agreement (copy enclosed) on October 6, 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 communication of the District's Section 504 and Title II policy and procedures, the determination of compensatory services for the Student, 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.

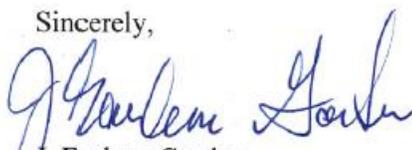
This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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 voluntary resolution process, and in particular Dr. Elana Grissom's prompt and professional efforts to resolve this complaint. If you have any questions, please contact XXXXX X. XXXXX, OCR Attorney, at (816) 268-XXXX or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.XXXXX@ed.gov.

Sincerely,



J. Earlene Gordon  
Supervisory Attorney

Copy: Dr. Elana Grissom  
Director of Student Programs

Enclosure