



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

ONE PETTICOAT LANE
1010 WALNUT STREET, SUITE 320
KANSAS CITY, MO 64106

REGION VII
KANSAS
MISSOURI
NEBRASKA
OKLAHOMA
SOUTH DAKOTA

December 15, 2017

Sent via email to: XXXXX@XXXXX.XXXXX
XXXXX XXXXX XXXXX, Attorney
XXXX XXXXX, XXXXX XXX
XXXXX, XXXXX XXXXX

Re: Winona R-III School District
OCR Case Number: 07-17-1205

Dear Ms. XXXXX :

On June 16, 2017, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint alleging discrimination on the basis of disability by the Winona R-III School District, Winona, Missouri (District). Specifically, the Complainant alleged the District discriminated against her XXXXX (Student) on the basis of his disabilities when the District:

1. failed to identify, locate and evaluate the Student as a student with a disability in violation of 34 C.F.R. § 104.32 and §104.33; and
2. failed to implement the Student's Section 504 plan by not ensuring that the Student is provided with shortened assignments and not giving the Student directions in a variety of ways and checking for the Student's understanding as stated in his Section 504 plan in violation of 34 C.F.R. § 104.35.

This letter is to confirm that the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve the complaint.

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

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

laws. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

On October 20, 2017, OCR sent notification letters to the Complainant and the District advising that OCR was opening an investigation into the allegations.

OCR investigated this complaint pursuant to our Rapid Resolution Process (RRP). RRP is an expedited case processing approach that may be utilized in substantive areas as determined by OCR to efficiently and expeditiously resolve complaints. Outcomes in RRP cases must be legally sufficient and resolution agreements must be aligned with the complaint allegations and issues.

Prior to the conclusion of the investigation, on October 27, 2017, the District expressed an interest in resolving the allegations and issues identified during the course of OCR's investigation. OCR determined that it was appropriate to resolve this complaint with an agreement pursuant to the process outlined in Section 302 of the OCR *Case Processing Manual*. Accordingly, the District submitted a signed Agreement (copy attached) on December 14, 2017 which, when fully implemented, will address the complaint allegations.

The Agreement requires the District to convene a Section 504 Committee meeting to determine whether, because of a disability, the Student needs regular or special education and related services. During the meeting, the District shall also consider whether the Student requires compensatory and/or remedial services as a result of the District's alleged failure to evaluate the Student during the 2015-16 and 2016-17 school years as well as its alleged failure to implement the Student's Section 504 plan during the 2016-17 school year.

The Agreement also requires the District to provide Section 504/Title II training¹ to all Winona Elementary School administrators, teachers and staff, including individuals responsible for implementing Section 504/Title II including the designated contact person(s) for complaints of discrimination under Section 504/Title II.

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.

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

¹ The training may be completed in-person or electronically.

released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR is committed to prompt and effective service. 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 email at XXXXX.XXXXX@ed.gov

Sincerely,



J. Earlene Gordon
Supervisory Attorney

Attachment