



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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REGION VII  
KANSAS  
MISSOURI  
NEBRASKA  
OKLAHOMA  
SOUTH DAKOTA

January 18, 2019

Sent via email to: [XXXXXX@XXXXXX.XXXXXX](mailto:XXXXXX@XXXXXX.XXXXXX)

XXXXXX XXXXX, XXXXX  
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XXXXXX XXXXX. XXXXX XXXXX, XXXXX XXXXX  
XXXXXX. XXXXX, XXXXXXX XXXXX

Re: Fordland R-III School District  
OCR Case Number: 07-18-1215

Dear XXXXX. XXXXX:

On May 30, 2018, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Fordland R-III School District (District), Fordland, 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.

The Complainant alleged the District discriminated against his son (the Student) by failing to:

1. consider relevant and available information from a variety of sources and ensure that the Student's placement decision was made by a group of people knowledgeable about the Student and the placement data as required by Section 504 and its implementing regulation at 34 C.F.R. § 104.35; and
2. implement a system of procedural safeguards in a reasonable time and manner as required by Section 504 and its implementing regulation at 34 C.F.R. §§ 104.36.

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; 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 Federal financial assistance 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 9, 2018, OCR notified the District of the initiation of OCR's Rapid Resolution Process (RRP), which is an expedited case processing approach utilized in certain substantive areas determined appropriate by OCR. OCR reviewed information the Complainant submitted, including information regarding the Student's Section 504 Plan and discipline history, correspondence between the Complainant and District Administrators, and District policies and procedures regarding students with disabilities.

Prior to the conclusion of the investigation, the District requested to resolve the complaint and OCR determined it was appropriate to resolve this complaint pursuant to Sections 109 and 302 of the *OCR Case Processing Manual*.<sup>1</sup> Accordingly, the District submitted a signed Agreement (copy enclosed) on January 11, 2019, that, when fully implemented, will address the complaint. The Agreement is structured to ensure that when the District is disciplining students with disabilities, the District is making placement decisions with relevant and available information from a variety of sources; and to ensure that placement decisions are made by a group of people knowledgeable about the students and the placement data. The District agreed to review and to revise its policies governing the discipline of students with disabilities to include language that guides staff on the steps necessary when considering placement decisions, and the parents' rights should they disagree with the team's decision. The District also agreed to disseminate the revised policies and provide relevant training to District employees.

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.

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.

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

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<sup>1</sup> The *Case Processing Manual* is available on OCR's website at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

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.

OCR is committed to prompt and effective services. If you have any questions, please contact XXXXX XXXXXX, Attorney, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by e-mail at [XXXXX.XXXXX@ed.gov](mailto:XXXXX.XXXXX@ed.gov).

Sincerely,

Anne Bradley  
Acting Supervisory Attorney