



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

January 30, 2019

Sent via email only to: XXXXX@XXXXX.XXXXX

XXXXXX XXXXX, XXXXX
Brookside Charter and Day School
1815 E. 63rd Street
Kansas City, Missouri 64130

Re: Brookside Charter School
OCR Case Number 07-18-1261

Dear XXXXX XXXXX:

On August 28, 2018, the U.S. Department of Education, Office for Civil Rights (OCR), received a complaint alleging discrimination on the basis of disability against the Brookside Charter School (District), Kansas City, Missouri. This letter is to confirm that the District has voluntarily entered into an agreement to resolve this complaint.

The Complainant alleged the District discriminated against her on the basis of disability by treating her differently than nondisabled parents when it denies her access to the Middle School to pick up and drop off her granddaughter for school each day but allows nondisabled parents access to pick up and drop off their children.

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

On December 6, 2018, OCR notified the District that OCR was opening this complaint for investigation, and that it had determined that this complaint could appropriately be investigated using OCR's Rapid Resolution Process (RRP). The District agreed to participate in the RRP process.

On January 28, 2019, prior to the completion of OCR's investigation, the District submitted a signed Agreement (copy attached) that, when fully implemented, will address the allegations of this complaint. The Agreement provides that the District will: 1) allow the Complainant access to District facilities pursuant to protocols developed in conjunction with the Agreement; and 2) develop protocols for the Complainant's access to District facilities to pick up and drop off the Student and to attend school meetings and activities.

OCR considers the allegations of this complaint resolved effective the date of this letter and will monitor the District's implementation of the enclosed Agreement. When OCR concludes the District has fully implemented the terms of this 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.

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.

If you have any questions, please contact XXXXX XXXXX, Attorney, at (816) 268-XXXXX (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