



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

May 2, 2019

Sent via email to XXXXXX@XXXXXX

XXXXXX XXXXXX, XXXXXX
XXXXXX
XXXXXX XXXXXX XXXXXX
XXXXXX, XXXXXX XXXXXX

Re: De Soto U.S.D. # 232
OCR Case Number: 07-19-1030

Dear XXXXXX XXXXXX:

On November 7, 2018, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the De Soto U.S.D. # 232 (District), in which the Complainant alleged the District discriminated against her son (Student) on the basis of disability by failing to identify and evaluate him in a timely manner for his suspected disabilities. This letter is to confirm the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve the above-referenced complaint.

OCR is responsible for enforcing:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 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 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>.

Prior to the completion of OCR's investigation, the District expressed an interest in engaging in a voluntary resolution agreement pursuant to Section 302 of OCR's Case Processing Manual (CPM). Section 302 provides that allegations under investigation may be resolved at any time when, prior to OCR issuing a determination, the recipient expresses an interest in resolving the allegations and OCR determines there are issues that can be addressed with a resolution agreement.

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

On April 30, 2019, the District returned a signed Agreement (copy attached) that, when fully implemented, will resolve the allegations and issues in this investigation. The District agrees to convene a multidisciplinary team to determine whether compensatory services are warranted and to provide training to District officials and staff regarding timely identification and evaluation procedures. 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.

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 XXXX.XXXX@ed.gov.

Sincerely,

J. Earlene Gordon
Supervisory Attorney

Attachment