



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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KANSAS CITY, MO 64106

REGION VII
ARKANSAS
KANSAS
MISSOURI
NEBRASKA
OKLAHOMA
SOUTH DAKOTA

May 22, 2019

Sent via email only to XXXXX

XXXXX XXXXX
XXXXX XXXXX XXXXX
XXX XXXXX XXXXX
XXXXX, XXXXX XXXXX

Re: Moore Public Schools
OCR Case Number: 07-19-1050

Dear XXXXX XXXXX:

On December 11, 2018, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint against the Moore Public Schools (District), Moore, Oklahoma. The Complainant alleged the District discriminated against XXXXX XXXXX (the Student) on the basis of disability. This letter is to confirm that the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

In a March 13, 2019 letter, OCR informed the District it would investigate whether the District has discriminated against the Student on the basis of disability in violation of 34 C.F.R. §104.4(a) and (b)(i)(ii)(iii) and (vii) by refusing to allow the Student to attend school until a mental health professional determined the Student was not a threat to others.

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 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 April 22, 2019, the District expressed interest in voluntarily resolving this complaint pursuant to Section 302 of OCR's *Case Processing Manual (CPM)*.¹ Prior to the completion of OCR's investigation into this complaint, the District submitted a signed Agreement (copy enclosed) on May 21, 2019, that, when fully implemented, will address the allegations of this complaint. The Resolution Agreement requires the District to develop and implement a protocol to determine whether the Student is a threat to others before removing him from school; develop a form on which to document the District's decision-making, processes, and conclusion; and to ensure those responsible for assessing the risk to others posed are trained in using the protocol. Please consult the Agreement for further details.

OCR considers the allegation 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 investigating the complaint.

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 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.

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.

OCR is committed to prompt and effective service. If you have any questions, please contact Linda White, Attorney, at (816) 268-0581 (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at linda.white@ed.gov.

Sincerely,

Kelli Douglas
Supervisory Attorney

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

Enclosure