



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VII
ARKANSAS
KANSAS
MISSOURI
NEBRASKA
OKLAHOMA
SOUTH DAKOTA

July 7, 2020

Sent via email only, to: XXXXX@XXXXX.XXXXX

XXXXX XXXXX, XXXXX
XXXXX, XXXXX
XXXXX XXXXX XXXXX
XXXXX, XXXXX XXXXX

Re: Joplin R-VIII School District
OCR Case Number: 07-20-1100

Dear XXXXX XXXXX:

On January 9, 2020, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against XXXXX XXXXX the Joplin R-VIII School District (District), Joplin, Missouri, alleging discrimination on the basis of disability and retaliation. In a June 5, 2020 letter, OCR informed the District it was investigating whether the District discriminated or retaliated against the Complainant in violation of Section 504 and/or Title II in connection with the Complainant's requests for suitable seating as an accommodation for the Complainant's disability.

Following the evaluation of this complaint, during which OCR interviewed and reviewed documents provided by the Complainant, OCR determined that it was appropriate to resolve the complaint through the Rapid Resolution Process under Section 110 of OCR's Case Processing Manual (CPM).¹ This letter is to confirm that the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance (FFA). Under Section 504, OCR has enforcement jurisdiction over recipients of FFA from the Department.

OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive FFA. Under Title II, OCR has enforcement jurisdiction over public educational institutions.

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

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

The regulation implementing Section 504, at 34 C.F.R. § 104.61, incorporates by reference the regulatory provision of Title VI of the Civil Rights Act of 1964 (Title VI) regulation at 34 C.F.R. § 100.7(e), which prohibits retaliation. The regulation implementing Title II, at 28 C.F.R. § 35.134, prohibits retaliation by public entities.

As a recipient of FFA from the Department and a public school district, the District is subject to Section 504, Title II and to OCR's jurisdiction. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

To protect individuals' privacy, the names of employees and other parties were not used in the letter.

Background

The Complainant alleged the District failed to provide suitable seating as an accommodation for his disability during meetings at District's buildings, including at Individualized Education Program (IEP) meetings held for the Complainant's children. The Complainant stated the District failed to provide him with suitable seating at meetings in retaliation for his advocacy on behalf of XXXXX XXXXX, who are XXXXX. The Complainant explained he suffers from XXXXX XXXXX and XXXXXX XXXXX XXXXX and that the District is fully aware of his disabilities. The Complainant informed OCR the District was providing him with a child-size chair during his meetings which caused discomfort and disrupted his ability to fully participate. The Complainant provided documentation to OCR evidencing he has previously requested the use of a "regular-size chair" while attending meetings at the District. The Complainant stated the District never responded to his requests nor provided a suitable regular-sized chair.

The District's XXXXXX informed OCR the District has been in regular communication with the Complainant and his attorney to address several concerns, unrelated to the OCR complaint, in the last few months and that the District wants to continue to work to resolve the Complainant's concerns with regard to seating.

On June 24, 2020, the Complainant's attorney stated the Complainant needs access to an adult-sized/regular chair with padding or a cushion and arm rests for use during his children's IEP meetings.

Resolution

On June 9, 2020, OCR contacted the District to provide notice of the complaint and discuss OCR's Rapid Resolution Process (RRP). On June 17, 2020, the District communicated its willingness to voluntarily resolve the OCR complaint through RRP. On July 7, 2020, the District voluntarily entered into the attached resolution agreement to resolve the complaint, in accordance with Section 302 of OCR's CPM.

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. A 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 XXXXX XXXXX, XXXXXX, at (XXX) XXX-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.XXXXX.XXXXX. Thank you for your cooperation.

Sincerely,

Kelli Douglas
Supervisory Attorney

Enclosure