



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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REGION VII  
ARKANSAS  
KANSAS  
MISSOURI  
NEBRASKA  
OKLAHOMA  
SOUTH DAKOTA

August 11, 2020

*Sent via email only, to: xxxxx.xxxxx.xxxxx*

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

Re: Wentzville R-IV School District  
OCR Case Number: 07-20-1135

Dear XXXXX XXXXX,

On February 13, 2020, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Wentzville R-IV School District (District), Wentzville, Missouri, alleging discrimination on the basis of disability. In a July 13, 2020 letter, OCR informed the District it was investigating whether the District discriminated against the Complainant’s XXXXX (Student) in violation of Section 504 and/or Title II in connection with the District’s requirement to identify and evaluate the Student as a qualified student with a disability in a timely manner; and / or the District’s requirement to provide the Student a free appropriate public education (FAPE).

Following the evaluation of this complaint, 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).<sup>1</sup> This letter is to confirm the District voluntarily submitted a Resolution Agreement (Agreement) to OCR on August 11, 2020, to resolve this complaint. A copy of the Agreement is enclosed.

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

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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>.

education systems and institutions, regardless of whether they receive FFA. Under Title II, OCR has enforcement jurisdiction over public school districts.

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**

During the 2019-2020 school year, the Student was in the XXXXX XXXXX and resided under the domicile of her parents within the geographical boundary of the District. The Student had attended X XXXXX XXXXX during the previous school year and during the first half of the 2019-2020 school year. On approximately January 28, 2020, Complainant enrolled Student at the District's Timberland High School. The Complainant informed OCR that during the course of enrollment, the District was informed of the Student's disabilities, including mental health diagnoses of XXXXX XXXXX XXXXX, XXXXX, and XXXXX. The Complainant told OCR she discussed the Student's need for specialized aids and services with District staff at the time of enrollment.

According to the Complainant, prior to the Student's first scheduled day of classes (approximately XXXXX, XXXXX) the Student was XXXXX in connection with her disabilities. Based on the Student's medical needs, the Complainant arranged for the Student to receive treatment at XXXXX XXXXX XXXXX. The Complainant advised the District the Student would likely be in the XXXXX XXXXX XXXXXX for a minimum of XXXXX XXXXX. The Complainant subsequently requested the District provide the Student with schoolwork and assignments for completion while the Student was living and receiving XXXXX at XXXXX XXXX. The Complainant stated the District declined her request advising the Complainant that the Student was no longer enrolled in the District but stated the District would work with the Student upon her return home and enrollment at the District.

The Complainant informed OCR the Student returned home in approximately mid-April 2020 at which time the Student was enrolled in online courses through the District in an effort to help the Student catch up on missed time.

On August 3, 2020 OCR spoke with the XXXXXX XXXXXX XXXXX and the XXXXX XXXXX XXXXX. The XXXXX XXXXX XXXXX informed OCR the District has been in regular communication with the Complainant and that while a Section 504 evaluation is planned, one has not yet been completed.

## **Resolution**

On August 3, 2020, the District communicated its interest in voluntarily resolving the allegation of this complaint. On August 10, 2020, the District signed the attached 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, Attorney, 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