



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

[DATE]

Sent via email only, to: xxxxxxxx@xxxxxxxxx.xx.xx.xx

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XXXX XXXX XXXXXXXX
XXXXXXXXXXXX, XXXXXXXX XXXXX

Re: Princeton R-V School District
OCR Case Number: 07201158

Dear XXXXXXXXXXXXXXXXXXXX XXXXXXXX:

On March 5, 2020, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Princeton R-V School District (District), Princeton, Missouri, alleging discrimination against the XXXXX XXXXX (Student) on the basis of disability. In a July 6, 2020 letter, OCR informed the District it was investigating whether: 1) the District failed to evaluate the Student consistent with the requirements of Section 504; and, 2) the District discriminated against the Student in violation of Section 504 and Title II by excluding the Student from District field trips during the 2019-20 school year.

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 the District voluntarily submitted a voluntary Resolution Agreement (Agreement) to OCR on August 26, 2020, to resolve this complaint. A copy of the Agreement is enclosed.

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, 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.

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, 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 school districts.

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

As a recipient of FFA from the Department and a public entity, 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 told OCR the Student attended Princeton R-V High School and was enrolled in XX grade during the 2019-2020 school year. The Student has been diagnosed with XXXXX, XXXXX, XXXXX, and XXXXX XXXXX XXXXX XXXXX and receives special education and related services through a Section 504 Plan. [X - Sentence Redacted - X]

According to the Complainant, the Student was not allowed to go on three field trips: one in December 2019, and two in March 2020. The Complainant stated the District has an attendance policy which states students may not participate in field trips during school hours if their school attendance is under 90 percent. The Complainant alleged the Student's attendance would have been better but for her disability-related absences, which should not have been considered when determining her eligibility to participate in the field trips. The Complainant also alleged the Student's Section 504 Plan has not been reviewed or updated for several years.

The District acknowledged the Student's Section 504 Plan has not been updated since 2016 and stated staff would be working to schedule a review of the plan and to update it, as appropriate. The District stated it did not have information indicating some of the Student's earlier absences were related to counseling or medical visits, and had it had this information, those particular absences would have been considered excused under its attendance policy. The District stated excused absences do not count against the District's 90 percent attendance requirement. The District stated the Student appeared to have been eligible to participate in the later March 2020 field trip identified by the Complainant but was unsure as to why the Student did not participate.

Resolution

On August 20, 2020, the District communicated its interest in voluntarily resolving the allegation of this complaint. On August 26, 2020, the District signed the attached Agreement to resolve the complaint, in accordance with Section 302 of OCR's CPM. Under the Agreement, the District will convene a multi-disciplinary team to reevaluate the Student consistent with the procedural requirements of the regulation implementing Section 504 and the District will ensure District personnel, including administrators, faculty, and staff responsible for the identification and evaluation of students with disabilities are effectively trained regarding the requirement to periodically assess and reevaluate students consistent with the requirements of Section 504. Refer to the Agreement for a complete description of the action the District agrees to take under the Agreement.

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

Sincerely,

Kelli Douglas
Supervisory Attorney

Enclosure