



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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REGION VII  
ARKANSAS  
KANSAS  
MISSOURI  
NEBRASKA  
OKLAHOMA  
SOUTH DAKOTA

Date

**SENT VIA EMAIL ONLY**

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XXXXXX X. XXXXXX XXXXXX XXXXXX  
XXXXXX XXXXXX, XXXXXX XXXXXX  
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Re: Yukon Public Schools  
OCR Case Number: 07211063

Dear XXXXXX. XXXXXX:

On January 25, 2021, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Yukon Public Schools, Yukon, Oklahoma. In the complaint, the Complainant alleged the Yukon Public Schools discriminated against the Complainant’s daughter on the basis of disability. This letter is to confirm the Yukon Public Schools has voluntarily submitted a Resolution Agreement (Agreement) to OCR to resolve the 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 based on disability in programs and activities that receive federal financial assistance. 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 federal financial assistance.

Because the Yukon Public Schools receives federal financial assistance from the U.S. Department of Education and is a public entity, it is subject to Section 504 and Title II, and OCR’s jurisdiction. Additional information about the laws OCR enforces is available on its website at <http://www.ed.gov/ocr>.

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

## **Factual Background Information**

The Complainant alleged her XXXXX's 504 Plan was not being implemented during the 2020-2021 school year. Specifically, she alleged that her XXXXX was not provided XXXXX assigned seat, was not being provided a counselor to notify the Complainant if there were problems at school, was not being given XXXXX early release from class so that XXXXX could avoid crowded halls, and that several of her XXXXX's teachers told the Complainant they did not know what was required in the 504 Plan.

The District provided OCR with a copy of the Complainant's XXXXX's 504 Plan that was in effect from November 5, 2020, through the remainder of the 2020-2021 school year. The 504 Plan included several services, including the following:

- "Seat [Complainant's XXXXX] out of high traffic areas;"
- "Counselor available as needed," and
- Complainant's XXXXX "will make early transmissions to each class from 2<sup>nd</sup> – 7<sup>th</sup> hour. XXXXX will leave 1 minute early from 2<sup>nd</sup> – 6<sup>th</sup> hour to avoid hallway traffic. . ."

On March 1, 2021, the Complainant sent an email to the Assistant Principal at her XXXXX's school stating that a student had pushed her XXXXX into a wall in between classes and stated that this would not have happened if her XXXXX's 504 plan had been implemented, because her XXXXX would have been able to leave class early. The Assistant Principal replied via email on March 1, 2021, explaining that there was a substitute art teacher in the art class and that was why her XXXXX was not allowed to leave class early.

Following receipt of the complaint, OCR contacted the Yukon Public Schools Public Schools on June 30, 2021, and informed Yukon Public Schools that OCR has determined it has jurisdiction and that this complaint may be appropriately investigated using OCR's Rapid Resolution Process (RRP) as set forth in Section 110 of OCR's *Case Processing Manual*.<sup>1</sup>

## **Resolution**

Prior to the completion of OCR's investigation into this complaint, the Yukon Public Schools indicated its interest in entering into a voluntary resolution agreement with OCR pursuant to Section 302 of OCR's *Case Processing Manual*. Yukon Public Schools signed an Agreement (copy attached) on July 21, 2021, which when fully implemented, will resolve OCR's concerns. The Agreement requires Yukon Public Schools to evaluate the Complainant's XXXXX, to document XXXXX teachers' receipt of any resulting 504 Plan or IEP, and to provide a contact person for the Complainant to speak with if her XXXXX's 504 Plan or IEP is not being implemented. For more information, please consult the Agreement.

OCR considers this complaint resolved effective the date of this letter and will monitor Yukon Public School's implementation of the Agreement. When OCR concludes the Yukon Public

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

Schools has fully implemented the terms of the Agreement, OCR will close the complaint. If Yukon Public Schools fails to carry out the Agreement, OCR may resume its 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 OCR policy. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. OCR would like to make you aware that individuals, who file complaints with OCR may have the right to file a private suit in federal court regardless of whether OCR finds a violation.

Yukon Public Schools must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, or participates in an OCR proceeding. Complaints alleging such retaliation may be filed with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

If you have any questions regarding this matter, 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@ed.gov.

Sincerely,

J. Earlene Gordon  
Supervisory Attorney

Attachment