



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1010 WALNUT STREET, SUITE 320
KANSAS CITY, MO 64106

REGION VII
ARKANSAS
KANSAS
MISSOURI
NEBRASKA
OKLAHOMA
SOUTH DAKOTA

May 25, 2021

Sent via email only to: XXXXXXXX@XXXXXXXXX.XXX

XXXXXXXX X. XXXXX, XXX, Esq.
XXXXX, XXXXX, XXXXXXXX & XXXXXXXX, P.C.
XXXX X. XXXXXXX XXXX – X-XXX
XXXXXXXXXXXXX, XXXXXXXX XXXXX

RE: Springfield R-XII School District
OCR Complaint No. 07211069

Dear XX. XXXXX:

I am writing to inform you of the outcome of the complaint the U.S. Department of Education (Department), Office for Civil Rights (OCR), received on January 29, 2021, against your client, Springfield R-XII School District (District), Springfield, Missouri. The complainant alleged the District discriminated against him based on disability by asking him to reveal his disability and to provide documentation proving his dog was a service animal during a XXXXXXXX XXXX at XXXXXXXX XXXX XXXXXXX on XXXXXXX X, XXXX. On March 2, 2021, OCR opened for investigation whether the District discriminated against the Complainant based on disability in connection with his use of a service animal on XXXXXXX X, XXXX, at a District event.¹

In the remainder of this letter, the complainant is referred to as “the Complainant.” To protect individuals’ privacy, the names of employees, witnesses, and other parties are not used in this letter.

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 based on disability in programs and activities receiving federal financial assistance. OCR has Section 504 enforcement jurisdiction over recipients of federal financial assistance 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 federal financial assistance. OCR has Title II jurisdiction over public school districts.

¹ OCR used its Rapid Resolution Process (RRP) under Section 110 of the *Case Processing Manual* (CPM) to resolve this complaint. The CPM is available on OCR’s website at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

Because the District receives federal financial assistance from the Department and is 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>.

Background

X—paragraph redacted—X

X—paragraph redacted—X

X—paragraph redacted—X

Resolution

On May 11, 2021, the District informed OCR it was interested in resolving the allegation that was opened for investigation. The District voluntarily signed the attached resolution agreement (Agreement) on May 25, 2021, in accordance with CPM Section 302, to resolve the complaint. The Agreement, in part, requires the District to provide training to all District employees responsible for providing security at District events, including administrators and school resource officers, on the policies, procedures, laws and regulations applicable to individuals with service animals on District property and at District events. For specific details of what is required, please refer to the Agreement. The commitments made by the District in this Agreement, and the District’s actions with respect to those commitments, do not constitute an admission by the District of any violation of Section 504, the ADA or the implementing regulations for either statute.

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 determines the District has fully implemented the terms of the Agreement, OCR will close this complaint. If the District fails to carry out the Agreement, OCR may resume investigating the complaint.

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. 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.

The District 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, please contact XXXXX XXXXXXXX, at (XXX) XXX-XXXX (voice) or (XXX) XXX-XXXX (telecommunications device for the deaf), or by email at XXXXX.XXXXXXX@ed.gov.

Sincerely,

/s/ Kimberly M.J. Lynch

Kimberly M.J. Lynch
Program Manager, Region VII