



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 electronic mail only to XXXXXX*

XXXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXX

Pattonsburg, Missouri 64670-0200

Re: Pattonsburg R-II School District  
OCR Case Number 07211162

Dear XXXXXXXXXXXXXXXX,

On May 17, 2021, the U.S. Department of Education, Office for Civil Rights (OCR), received a complaint against the Pattonburg R-II School District, located in Pattonburg, Missouri. In the complaint, the Complainant alleged the Pattonburg R-II School District discriminated against her son based on disability. This letter is to confirm the Pattonburg R-II School District 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 Pattonburg R-II School District receives federal financial assistance from the 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 <https://www.ed.gov/ocr>.

**Factual Background**

The Complainant alleged the Pattonburg R-II School District denied her son, who is currently in third grade and has XXXXXXXXXXXX, a free appropriate public education during the 2020-2021 school year. Specifically, the Complainant alleged the Pattonburg R-II School District failed to fully and properly implement her son’s Section 504 Plan during the 2020-2021 school year with respect to monitoring her son’s XXXXXXXXXXXX and activities, administering XXXXX

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

XXXXX, and informing her when she needed to provide the Pattonsburg R-II School District additional XXXXX XXXX to be used at school.

The Complainant advised OCR the Pattonsburg R-II School District is doing a better job this school year of properly implementing her son's 504 Plan; however, the Complainant is not satisfied with her son's 504 Plan. She advised OCR she believes the 504 plan would be improved if her son had a dedicated paraprofessional at school to assist him with his XXXX-related needs and the Pattonsburg R-II School District provided XXXXXX her son needs at school to help XXXXXXXXXXXX. She also requested documentation that the individuals identified as the Trained XXXXXX Personnel for her son have completed the training necessary to correctly assist her son with his XXXXXX-related needs.

Following receipt of the complaint, OCR contacted the Pattonsburg R-II School District on November 2, 2021. OCR informed the Pattonsburg R-II School District that OCR has determined it has jurisdiction and that this complaint may be appropriately resolved using OCR's Rapid Resolution Process, as set forth in Section 110 of OCR's *Case Processing Manual*. The *Case Processing Manual* is available online at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

## **Resolution**

Prior to the completion of OCR's investigation into this complaint, the Pattonsburg R-II School District indicated its interest in entering into a voluntary resolution agreement with OCR pursuant to Section 302 of OCR's *Case Processing Manual*. The Pattonsburg R-II School District signed an Agreement (copy attached) on November 19, 2021, which, when fully implemented, will resolve OCR's concerns. The Agreement requires the Pattonsburg R-II School District, within calendar 60 days of the date of the Agreement, to convene a 504 team meeting to review the Complainant's son's disability-related needs, discuss the Complainant's concerns regarding her son's 504 Plan and disability-related services provided to her son by the Pattonsburg R-II School District, and revise the Student's 504 Plan as the 504 team deems appropriate. The Pattonsburg R-II School District will invite personnel from the Children's Mercy Hospital XXXX Clinic in Kansas City, Missouri, to participate in the 504 meeting, will remind the Complainant of her right to be assisted by an advocate at the 504 meeting, and will provide the Complainant notice of Section 504 procedural safeguards. For more information, please consult the Agreement.

OCR considers this complaint resolved effective the date of this letter and will monitor the Pattonsburg R-II School District's implementation of the Agreement. When OCR concludes the Pattonsburg R-II School District has fully implemented the terms of the Agreement, OCR will close the complaint. If the Pattonsburg R-II School District 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.

The Pattonsburg R-II School 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, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions regarding this matter, please contact XXXXXXXXX, Attorney, at XXXXXXXXXXXXXXXX (telecommunications device for the deaf), or by email at XXXXXXXXXXXXXXXX.

Sincerely,

Kimberley M.J. Lynch  
Program Manager, Region VII

Attachment