



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

915 2ND AVE., SUITE 3310
SEATTLE, WA 98174-1099

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August 29, 2019

Dr. Jesus F. Jara
Superintendent
5100 West Sahara Avenue
Las Vegas, Nevada 89148

Re: Clark County School District
OCR Reference No. 10191126

Dear Dr. Jara:

This letter is to inform you of the disposition of the above-referenced complaint filed against the Clark County School District (district) with the U.S. Department of Education (Department), Office for Civil Rights (OCR). The complaint alleged that the district discriminated against a student with a disability (hereinafter, “the student”), by failing to implement the student’s Section 504 Plan when teachers at the student’s school failed to sign the student’s agenda with her homework assignments in the spring semester of 2019.

As explained below, prior to completion of OCR’s investigation, the district expressed an interest in voluntarily resolving the complaint and signed the enclosed Voluntary Resolution Agreement (agreement) to address the complaint allegation.

OCR investigated this case under the authority of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) and their implementing regulations. These statutes prohibit discrimination on the basis of disability in programs and activities that receive federal financial assistance from the Department and by public entities, respectively. The district is a recipient of federal financial assistance from this Department and is a public entity.

The regulation implementing Section 504 at 34 C.F.R § 104.33 requires a recipient that operates a public elementary or secondary education program or activity to provide a Free Appropriate Public Education (FAPE) to each qualified disabled person. Appropriate education is the regular or special education and related aids and services that are designed to meet individual educational needs of disabled persons as adequately as the needs of nondisabled persons are met.

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

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The investigation to date indicated that the student's Section 504 Plan that was in effect during the spring semester of 2019 included an accommodation requiring teachers to assist, edit as needed, and sign the student's planner, including noting when there is no homework. OCR also received from the parent photocopies of what was reported to be some of the student's planner pages that did not include teacher signatures or entries for some classes.

In accordance with Section 302 of the OCR *Case Processing Manual*, a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint allegation and OCR determines that it is appropriate to resolve the issues under investigation with an agreement during the course of an investigation. In this case, the district requested to resolve the complaint prior to the conclusion of OCR's investigation. In light of the district's willingness to address the concerns identified by OCR comprehensively without further investigation, OCR determined that entering into a voluntary resolution agreement was appropriate. Subsequent discussions with the district resulted in the district signing the enclosed agreement.

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.

This concludes OCR's investigation of the complaint. The complainant may have the right to file a private suit in federal court regardless of OCR's determination.

Please be advised that 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, 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.

OCR will monitor the implementation of the agreement and will close the complaint when OCR determines that the terms of the agreement have been satisfied. The first report under the agreement is due by November 1, 2019.

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Thank you for the cooperation that you and your staff extended to OCR staff in resolving this complaint. If you have any questions, please feel free to contact Claudette Rushing, Attorney, by telephone at 206-607-1606, or by e-mail at claudette.rushing@ed.gov.

Sincerely,

Paul Goodwin
Supervisory Attorney

cc: Phoebe Redmond, Assistant General Counsel
Honorable Jhone Ebert, Superintendent of Public Instruction

Enclosure: Voluntary Resolution Agreement