



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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SEATTLE, WA 98174-1099

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March 22, 2022

Sent via e-mail only to gtucker@mvsd21.org

Gary Tucker
Superintendent
Marsh Valley Joint School District No. 21
40 School Street
PO Box 180
Arimo, Idaho 83214

Re: Marsh Valley Joint School District No. 21
OCR Reference No. 10211066

Dear Superintendent Tucker:

This letter is to inform you of the disposition of the above-referenced complaint filed against the Marsh Valley Joint School District with the U.S. Department of Education, Office for Civil Rights (OCR). The complaint alleged that the District discriminated, on the basis of disability, against a student (Student A), by failing to implement his 504 plan allowing for extended time to turn in assignments in his English class during the 2020-2021 school year.

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), which prohibit discrimination, on the basis of disability, in programs and activities that receive federal financial assistance 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. § 104.4 provides that no qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives federal financial assistance. The regulation implementing Title II at 28 C.F.R. § 35.130 states that no qualified individual with a disability shall, on the basis of

disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

The investigation to date indicates that Student A was in the XXXXX grade at XXXXXXXX School during the 2020-2021 school year and had been enrolled in the District since XXXXXX. On October 21, 2021, Student A was placed on a 504 plan providing that he be given two days extra time to complete homework. On February 4, 2021, Student A had a large research paper due in his English class. Student A turned the paper in on Monday, February 8, 2021, the first school day after the due date, as there is no school in the District on Fridays. Notwithstanding his 504 plan, Student A's teacher initially refused to accept it; he ultimately gave Student A half credit on the paper because it was turned in after February 4.

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 has determined that entering into a voluntary resolution agreement is appropriate. Subsequent discussions with the District resulted in the District signing the enclosed agreement.

The actions the District will take under the agreement include reviewing and, as necessary, revising its policies and procedures to ensure consistency with the requirements of Section 504 and Title II, notifying and training all District employees on the revised policies, and convening a meeting of Student A's 504 team to evaluate how to fairly grade the final research paper from his English class.

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 April 15, 2022.

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 David Kauffman, Attorney, at 206-607-1603 or at david.kauffman@ed.gov, or Andrew Jennings, Attorney, at 206-607-1606 or at andrew.jennings@ed.gov.

Sincerely,

Paul Goodwin
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement
CC: Jill Holinka, Attorney, Holinka Law, jsh@holinkalaw.com