

May 28, 2015

XXXXX X. XXXXX
XXXXX XXXXX XXXXX, LLC
XXX XXXXX XXXXX, XXXXX XXX
XXXXX XXXXX, XXXXX XXXXX

Re: OCR Docket Number 07081215

Dear XXXXX. XXXXX:

On June 27, 2008, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint against your client, the Wentzville R-IV School District (District), Wentzville, Missouri, alleging discrimination on the basis of disability. This letter confirms the District's voluntary resolution of this complaint.

Specifically, the complainant alleged the District discriminated against her daughter based on her disabilities (XXXXX and XXXXX by denying her daughter a free appropriate public education or treating her differently, as follows:

1. The District improperly discontinued her daughter's Section 504 plan without conducting a full and adequate evaluation or reevaluation and without carefully considering information from a variety of sources;
2. The District determined the complainant's daughter was ineligible under Section 504 after the District improperly used IDEA eligibility standards instead of Section 504 standards, and erroneously determined that the daughter's use of insulin and Ritalin were mitigating measures;
3. The District failed to provide the complainant with notice of her procedural safeguards;
4. The District's failure to provide the complainant with notice of her procedural safeguards in conjunction with the District's ineligibility decision in November, 2007, and the District's short timeframe (10 calendar days) for filing a request for an impartial hearing, effectively denied her the right to an impartial hearing; and
5. The District denied the complainant's daughter access to educational opportunities, including field trips, because of her disability during the 2007-08 school year.

OCR is responsible for enforcing:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 104. Section 504 prohibits discrimination on the basis of disability by 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, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities.

As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to Section 504 and Title II. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Before OCR's investigation was completed, the District requested to resolve the OCR complaint. On March 12, 2015, the District submitted to OCR the enclosed Resolution Agreement that, when fully implemented, will address the allegations of this complaint. OCR considers this complaint resolved effective the date of this letter and will monitor the District's implementation of the Resolution Agreement. If the District fails to fully implement any of the provisions in the Resolution Agreement, OCR may resume its investigation or take other action. When OCR concludes the District has fully implemented the terms of the Agreement, OCR will close this 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 such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may file a private suit in federal court, whether or not OCR finds a violation of Title II.

Thank you for your assistance with these complaints. I apologize for the delay in mailing this letter to you. If you have any questions, please contact XXXXX XXXXX, Attorney, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.XXXXX@ed.gov.

Sincerely,

/s/ Karl Menninger

Karl Menninger
Supervisory Attorney

Page 3 – XXXXX X. XXXXX - 07081215

Enclosure

cc: XXXXX XXXXX XXXXX
Commissioner of Education