



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS -- REGION VII

May 1, 2015

Sent via email to XXXXX@center.k12.mo.us

David A. Leone, Superintendent
Center #58 School District
8701 Holmes Road
Kansas City, Missouri 64131

Re: OCR Docket # 07151032

Dear Superintendent Leone:

On November 3, 2014, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Center #58 School District (District), Kansas City, Missouri, alleging discrimination on the basis of disability. This letter is to confirm the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve the above-referenced complaint.

The complainant specifically alleged the District is denying her son a free appropriate public education (FAPE) by failing to evaluate her son for a Section 504 plan.

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 at 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 (FFA).
- Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation at 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities.

As a recipient of FFA 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>.

On February 12, 2015, OCR sent notification letters to the parties, including a data request to the District. On February 27, 2015, the District provided OCR with a response to OCR's data requests. OCR conducted telephone interviews with the Complainant and the District's Director of Human Resources. The District expressed to OCR an interest in engaging in

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resolution negotiations pursuant to section 302 of OCR's *Case Processing Manual*.¹ During the course of OCR's investigation, OCR discovered deficiencies in the District's notice of nondiscrimination that raised compliance concerns, including the omission of the Boy Scouts Act and citations to other applicable federal laws, and the designated compliance coordinator required information in the online notice. The agreement addresses these deficiencies.

Prior to the completion of OCR's investigation, the District submitted a signed Agreement (copy enclosed) on April 30, 2015, that, when fully implemented, will address the above-referenced complaint. When OCR concludes the District has fully implemented the terms of the Agreement, OCR will close the complaint. If the District fails to carry out the Agreement, OCR may resume the 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 such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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/ Joshua Douglass

Joshua Douglass
Chief Attorney

Enclosure

¹ OCR's *Case Processing Manual* may be accessed at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.