

January 15, 2016

XXXX XXXX  
XXXX XXXX  
XXXX XXXX  
XXXX XXXX

Re: Docket # 07151218

Dear XXXX:

On July 20, 2015, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint alleging discrimination on the basis of disability by the Lathrop R-II School District (District), Lathrop, Missouri. This letter is to confirm the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve the above-referenced complaint.

The complainant alleged the District discriminated against her daughter (Student) on the basis of her disability (polycystic kidney disease) by:

1. failing to implement that provision of the Student's Section 504 plan which provided the Student additional time to makeup school work she missed due to disability-related absences, resulting in the Student being assigned a failing grade in a class at the end of the 2014-15 school year; and
2. failing to prevent, address, and remedy the effects of harassment of the Student by District employees and other students based on her disability, creating a hostile environment that affected the Student's receipt of free appropriate public education services.

OCR is responsible for enforcing:

- Section 504 of the Rehabilitation Act of 1973, 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 (FFA).
- 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 FFA from the Department and a public entity, the District is subject to these laws. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

On October 14, 2015, OCR issued notification letters to you and the District, including a data request to the District. OCR interviewed the complainant about her complaint on August 27, 2015. On October 29, 2015, the District provided OCR with a response to OCR's data requests. On December 22, 2015, OCR interviewed the District's superintendent, who requested to enter into an agreement to resolve the allegations pursuant to Section 302 of OCR's *Case Processing Manual*.<sup>1</sup>

Prior to the completion of OCR's investigation, the District submitted a signed Agreement (copy enclosed) on January 15, 2016, that, when fully implemented, will address the allegations of this complaint. OCR considers the allegations of this complaint resolved effective the date of this letter and will monitor the District's implementation of the Agreement. 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 duty 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 XXXX XXXX, Equal Opportunity Specialist, at (816) XXX XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXX.XXXX@ed.gov.

Sincerely,

J. Earlene Gordon  
Supervisory Attorney

Enclosure

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