



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS -- REGION VII

January 21, 2016

XXXXX X. XXXXX
General Counsel
Park Hill School District
7703 Northwest Barry Road
Kansas City, Missouri 64153

Re: Docket # 07151245

Dear Ms. XXXXX:

On September 1, 2015, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Park Hill 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 this complaint.

Specifically, the Complainant alleged that the District discriminates on the basis of disability because students in special education classrooms at Hawthorn Elementary School do not have an equal opportunity to participate in non-academic services and activities in the following ways:

1. Hawthorn Elementary School has separate end of the year awards ceremonies for students in special education classrooms and students in regular education classrooms;
2. Hawthorn Elementary School has separate lunch tables for students who are in special education classrooms during the lunch period and students who are in regular education classrooms during the lunch period; and
3. the Hawthorn Elementary School yearbook placed the pictures of students in special education classrooms at the back of the yearbook with other students in special education classrooms instead of with their regular education homerooms and used a different format of background graphics that prevented people from reading their names.

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.
- 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.

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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>.

The Complainant stated her daughter is a 1st grade student who has XXXXX XXXXX and attends Hawthorn Elementary School. She said students with disabilities do not have the same awards ceremony as general education students; eat lunch together at a separate table (her daughter is able to eat lunch with general education students because of her Individualized Education Plan); and have separate sections in the school's yearbook.

The District provided the following information. The District has three elementary schools which have an Essential Skills program for students whose disabilities support inclusion in this program. The program provides skills for life and special support, including for some students having an aide sit with a student during lunch because the student is a flight or a choking risk. The Complainant's daughter eats with regular education students. The District's yearbooks are produced by the Parent Teachers Association and are not school sponsored. At Hawthorn Elementary School, if a student spends part of the day with regular education students and part of the day in the Essential Skills program, the student is pictured on the pages for both classes.

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 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.

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 is committed to prompt and effective service. 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/ Maria North

Maria L. North
Supervisory Attorney

Enclosure

Cc: Dr. Margaret Vandeven
Commissioner of Education