



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII
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December 31, 2014

Ms. Dora M. Romero
Superintendent
Mora Independent School District
P.O. Box 179
Mora, NM 87732

Re: Mora Independent School District
OCR Case Number: 08-14-1221

Dear Superintendent Romero:

We completed our review of the above-referenced complaint filed on July 3, 2014, against the Mora Independent School District (District). The Complainant alleged that the District failed to respond to her disability discrimination complaint regarding not implementing her daughter's Individualized Educational Program (IEP) and concerns with the school nurse not following her daughter's Section 504 Plan or IEP for diabetes.

We began investigating the complaint pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department; and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a public entity that receives Federal financial assistance from the Department, the District is subject to these laws and regulations.

After initially accepting the allegations for investigation, OCR learned that the Complainant had filed a due process complaint that involved some of the same allegations filed with OCR. On September 9, 2014, we informed you that we were dismissing the allegations concerning the school nurse's alleged failure to follow the Complainant's daughter's Section 504 Plan or IEP. Specifically, the Complainant had alleged that: 1) The District required the Complainant to be present during school sponsored extra-curricular activities of tutoring and cheerleading practice because staff would not be provided to accommodate the Complainant's daughter's diabetes-related needs and 2) the District failed to provide a free appropriate public education when the Complainant's daughter was sent home from school early during the 2013-14 school year because trained personnel were unavailable to monitor her blood sugar levels in accordance with her Section 504 Plan or IEP. The District provided a copy of the mediation agreement the Complainant reached with them regarding her due process complaint. We determined that the mediation agreement provided the Complainant and her daughter with remedies related to the two dismissed allegations. As a result of these actions, the only remaining allegation from the original complaint is that the District failed to respond to the Complainant's complaint that her daughter's plan was not being appropriately implemented. During the course of processing this complaint, the District indicated

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its desire to voluntarily enter into an agreement to resolve the remaining allegation pursuant to Section 302 of the *Case Processing Manual (CPM)*. We reviewed this request and determined that it justified entering into an agreement without completing a full investigation.

We received a signed Resolution Agreement (Agreement) which is enclosed. When the Agreement is fully implemented, the remaining allegation will be resolved consistent with the requirements of Section 504, Title II, and their implementing regulations. OCR will monitor implementation of the Agreement through periodic reports demonstrating the terms of the Agreement have been fulfilled. We will provide written notice of any deficiencies regarding the implementation of the terms of the Agreement and will promptly require actions to address such deficiencies. If the District fails to implement the Agreement, we will take appropriate action, as described in the Agreement.

We thank the District for voluntarily entering into an Agreement to resolve the remaining allegation raised in this complaint. This concludes OCR's investigation of the complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. The case is now in the monitoring phase. The monitoring phase of the case will be completed when OCR determines that the District has fulfilled all of the terms of the Agreement. When the monitoring phase of the case is complete, OCR will close Case Number 08-14-1221 and will send a letter to the District, copied to the Complainant, stating that the case is closed.

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.

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. In addition, the Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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. If OCR receives such a request, we will protect personal information to the extent provided by law.

Thank you for the courtesy and cooperation extended to us throughout the investigation. If you have any questions about this letter, you may contact Athena Quezada at 303-844-3355 or me at 303.844.6083.

Sincerely,

/s/

Angela Martinez-Gonzalez
Supervisory Attorney Advisor

Enclosure Resolution Agreement

cc: Jacquie Archuleta-Staehlin
 Counsel for District

w/o encl. Ms. Hanna Skandera
 New Mexico Secretary of Education