Superintendent Pam Touchard  
George County School District  
5152 Main Street  
Lucedale, MS  39452  

RE:  OCR Case No. 06141435  
George County School District  

Dear Superintendent Touchard:  

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint against the George County School District (GCSD or the District). The complaint alleged that the GCSD discriminated xxxxxxxx xx xxxxxxxxxxx xxxxxxxxxx xxx xxxxxxxxx xxx xxxxxxxxxx xxx xxxxxxxxxx xxx xxxxxxxxxx xxx xxxxxxxxxx against the complainant’s xxxx (the Student) and mobility impaired individuals on the basis of disability.  

OCR is responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department, or an agency that has delegated investigative authority to this Department, are in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 (amended 1992), and its implementing regulations, at 34 C.F.R. Part 104, which prohibit discrimination based on disability. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulations, at 28 C.F.R. Part 35, which prohibit public entities from discriminating on the basis of disability.  

The GCSD is a recipient of Federal financial assistance from the Department and is a public educational institution. Therefore, OCR has jurisdictional authority to process this complaint under Section 504 and Title II.  

OCR opened the following issues for investigation:  

1. Whether the GCSD discriminated against the Student on the basis of xxx disabilities xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
by failing to ensure that xxx participate with xxx non-mobility impaired classmates, in violation of Section 504 (34 C.F.R. §§104.34, 104.47) and Title II (28 C.F.R. § 35.130).

2. Whether the GCSD discriminated against the Student on the basis of xxx disabilities, in violation of Section 504 (34 C.F.R. §104.4) and Title II (28 C.F.R. § 35.130).

3. Whether the GCSD’s xxxxxxxxxx, in violation of Section 504 (34 C.F.R. §104.33) and Title II (28 C.F.R. § 35.130).

4. Whether students with disabilities are excluded from participation in, or denied the benefits of, the GCSD educational programs and activities, in violation of Section 504 (34 C.F.R. §§104.21 - 104.23), and Title II (28 C.F.R. §§ 35.149 – 35.151).

5. Whether students with disabilities are excluded from participation in, or denied the benefits of, the GCSD educational programs and activities because xxxxxxxxxx, in violation of Section 504 (34 C.F.R. §§104.21 - 104.23), and Title II (28 C.F.R. §§ 35.149 – 35.151).

Prior to the conclusion of OCR’s investigation, the GCSD informed OCR that it was interested in resolving the complaint. Section 302 of OCR’s Case Processing Manual (CPM) provides that a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint and OCR determines that such a resolution is appropriate. The provisions of the resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation and will be consistent with applicable regulations. OCR determined that a resolution under Section 302 of the CPM was appropriate.

On xxxxxxx xx, 2018, GCSD voluntarily signed a resolution agreement (Agreement) to resolve the complaint allegations. A copy of the Agreement is enclosed.
OCR determined that the provisions of the Agreement are aligned with the complaint allegations and appropriately resolve them. Further, OCR accepts the Agreement as an assurance that GCSD will fulfill its obligations under Section 504 and Title II with respect to the complaint allegations. The dates for implementation and specific actions are detailed in the Agreement. OCR will monitor GCSD’s implementation of the Agreement.

Effective the date of this letter, OCR is closing the investigation of this complaint. This letter should not be interpreted to address GCSD’s compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

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 GCSD 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, you 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.

If you have any questions concerning this letter, please contact Mr. Marvin Macicek, the investigator assigned to the complaint, at (214) 661-9636, or by email at marvin.macicek@ed.gov. You may also contact me at (214) 661-9648 or by email at timothy.caum@ed.gov.

Sincerely,

Timothy D. Caum
Supervisory Attorney/Team Leader
Dallas Office

Enclosure