May 19, 2021

OCR Ref: 06151455

Dr. T. Lamar Goree, Superintendent
Caddo Parish Public Schools
P.O. Box 32000
Shreveport, LA 71130-2000

Via email (TLGOREE@caddoschools.org)

Dear Dr. Goree:

The U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint, received in our office on May 5, 2015, filed against the Caddo Parish School Board (District), in Shreveport, Louisiana. The Complainant alleged that the District discriminated against her son (the Student) on the basis of disability.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 et seq., and its implementing regulations at 34 C.F.R. Part 104, which prohibit discrimination by recipients of Federal financial assistance from the Department (recipients) based on disability. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132 et seq., and its implementing regulations at 28 C.F.R. Part 35, which prohibit discrimination based on disability by certain public entities. The District is a recipient and public entity. Therefore, OCR has jurisdiction to process this complaint under Section 504 and Title II.

OCR opened the following legal issues for investigation:

1. Whether the CPSB discriminated against the Student on the basis of disability during the 2014-2015 school year by treating him differently than one or more similarly situated students without a disability by lowering his graduation standards (i.e., XX-phrase redacted-XX) in violation of Section 504, at 34 C.F.R. § 104.4, and Title II, at 28 C.F.R. § 35.130, respectively.

2. Whether CPSB discriminated against the Student on the basis of disability by failing to properly evaluate his need for regular or special education and related aids and services (i.e., by: (1) drawing upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; (2) establishing procedures to ensure that information obtained from all such sources is documented and carefully considered; (3) ensuring that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement

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options; (4) ensuring that the placement decision is made in conformity with 34 C.F.R. § 104.34; and (5) interpreting the term “substantially limits” without regard to the ameliorative effects of mitigating measures, other than ordinary eyeglasses or contact lenses), and thereby denied the Student a free appropriate public education (FAPE) during the 2014-2015 school year, in violation of Section 504 and Title II and their implementing regulations, at 34 C.F.R. §§ 104.33 and 104.35, and 28 C.F.R. § 35.130, respectively.

During OCR’s investigation to date, OCR reviewed information provided by the Complainant and the District and conducted preliminary interviews with the Complainant and District Staff. OCR’s preliminary review of the information provided by the District indicates the Student was a 12th grade student enrolled at Southwood High School (Campus) during the 2014-2015 school year. The evidence indicates an IEP meeting was held in April 2015 regarding the Student’s absences, grades, and graduation. One of the Student’s teachers, from the Technology Center (Teacher 1) stated that the Student had a grade of “F” in her class for some time, primarily due to falling behind from missing 29 days of instruction. Teacher 1 also indicated that her class was a requirement for graduation. However, the District obtained a waiver for the Student to graduate without passing her class in his area of concentration. Teacher 1 stated that she was instructed to prove why the Student was failing her course when passing his other courses. Teacher 1 expressed confusion regarding how the Student could be passing other classes and brought documentation of the Student’s essays to demonstrate his poor English skills and 1 percentile performance on the STARR state reading test. Teacher 1 indicated the IEP Committee dismissed the evidence she brought to the meeting as not indicative of what the Student could do even though it was indicative in her class involving technical reading where the Student struggled daily. Teacher 1 stated that she sat by the Student when he took the STARR test, he finished quickly, and he did not ask for a break. Teacher 1 stated that she was asked by the IEP Committee if there was an assignment she could give the Student to bring his grade up to passing. While the missed assignments were excused, the Student’s performance on what he turned in was too poor to justify a passing grade.

Additionally, the Student’s literacy and numeracy coach (Teacher 2) stated in an interview with OCR that the Student’s April 2015 IEP Committee meeting included discussion of the Student’s absences and grades yet the Principal indicated the Student would be graduating anyway. Teacher 2 indicated everyone seemed surprised but the District had obtained a waiver. Teacher 2 affirmed that a writing sample was offered at the meeting yet stated only one other person wanted to look at it.

Regarding Issue 1, OCR’s preliminary review of the information above reflects a concern as to whether the Student was treated differently than similarly situated students with respect to obtaining a waiver for his graduation. Regarding Issue 2, OCR’s preliminary review reflects a concern as to whether the District failed to draw upon information from a variety of sources during the Student’s evaluation, including input from a teacher in the Student’s concentration and a writing sample.

Prior to the conclusion of OCR’s investigation, the District informed OCR that it was interested in resolving the complaint. Section 302 of OCR’s Case Processing Manual provides that a complaint may be resolved at any time when, prior to the conclusion of an investigation, the recipient
expresses an interest in resolving the allegation. The provisions of the resulting resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation, and will be consistent with applicable regulations. OCR approved the District’s request to resolve this complaint prior to conclusion of the investigation.

The District voluntarily signed the enclosed resolution agreement (Agreement) on May 18, 2021. OCR determined the Agreement addresses and, when fully implemented, resolves the issues under investigation. Thus, OCR is closing the investigation of this complaint as of the date of this letter. However, OCR will monitor implementation of the Agreement. If the District fails to implement the Agreement, OCR will resume investigative activities.

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 recipient may not harass, coerce, intimidate, discriminate or otherwise retaliate against any individual because he or she asserted a right or privilege under a law enforced by OCR or filed a complaint, testified, or participated in the complaint resolution process. If this happens, the individual may file a retaliation complaint with OCR.

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, it 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 about this letter, please contact Brian Aurelio, the attorney assigned to investigate your complaint, at (214) 661-9661, or by e-mail at Brian.Aurelio@ed.gov. You may also contact me at 214-661-9648 or by e-mail at Timothy.Caum@ed.gov.

Sincerely,

Timothy D. Caum
Supervisory Attorney/Team Leader
OCR, Dallas Office