



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620
DALLAS, TX 75201-6810

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

August 27, 2019

Ref: 06161690

Mr. Michael Poore, Superintendent
Little Rock School District
810 W Markham
Little Rock, AR 72201

Dear Mr. Poore:

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 Little Rock School District (LRSD), in Little Rock, Arkansas. The complainant alleged that the LRSD discriminated against XXX XXXXX (Student) on the basis of disability.

OCR is also responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department (recipients), 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 on the basis of disability. OCR is also responsible for enforcing 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 LRSD is a recipient and public entity. Therefore, OCR has jurisdictional authority to process this complaint for resolution under Section 504 and Title II.

OCR opened the following issue for investigation:

Whether the LRSD discriminated against the Student on the basis of disability by failing to provide regular or special education and related aids and services deemed necessary to meet the Student's individual educational needs (e.g., XX—to end of sentence redacted--XX.), and thereby denied the Student a free appropriate public education between XXX and XXX XXX, in violation of Section 504 and Title II and their implementing regulations, at 34 C.F.R. § 104.33 and 28 C.F.R. § 35.130, respectively.

OCR received data from the complainant and the LRSD. OCR's preliminary review of the data indicates XX—to end of sentence redacted--XX. The Student's XX—to end of sentence redacted--XX. The evidence indicates that XX—to end of sentence redacted--XX.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

OCR reviewed emails between the LRSD staff, XX—to end of paragraph redacted--XX.

XX—to end of paragraph redacted--XX.

Prior to completing the investigation, the LRSD 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 agreement is appropriate to resolve this complaint. On August 23, 2019, the LRSD submitted to OCR a signed resolution agreement (Agreement). The provisions of the Agreement are aligned with the complaint allegations and appropriately resolve them. The dates for implementation and specific actions are detailed in the Agreement. Effective the date of this letter, OCR is closing the investigation of this complaint. OCR will, however, monitor LRSD's implementation of the Agreement. If LRSD fails to implement the provisions of the Agreement, OCR will resume investigatory action.

This letter should not be interpreted to address LRSD'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 LRSD 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 individual 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 regarding this letter, please contact Alex Coulter, the investigator assigned to the complaint, at (214) 661-9655 or Alex.Coulter@ed.gov. You may also contact me at (214) 661-9648 or Timothy.Caum@ed.gov.

Sincerely,

Timothy D. Caum
Supervisory Attorney/Team Leader
Dallas Office

Enclosure