



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN STREET, SUITE 1620
DALLAS, TEXAS 75201-6831

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

May 23, 2019

Dr. Jon Tackett, Superintendent
Lonoke Public School District
401 West Holly Street
Lonoke, AR 72086

RE: OCR Complaint Number 06-17-1390
Lonoke Public School District

Dear Dr. Tackett:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its investigation of the above-referenced complaint, received on February 9, 2017, 2017, filed against the Lonoke Public School District (LPSD or District), Lonoke, Arkansas. The complainant alleged that the District discriminated against the xxxxxxxxxxxx xxxxxx (the Student) based on disability. The complaint also alleged retaliation.

This agency is responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department (recipients), or from an agency that has delegated investigative authority to the 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 regulation, at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation, at 28 C.F.R. Part 35. Under Title II, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against public entities. Section 504 and Title II also prohibit retaliation. The LPSD is a recipient and a public entity. Thus, OCR has jurisdiction to resolve this complaint pursuant to Section 504 and Title II.

OCR opened the following legal issues for investigation:

1. Whether the District discriminated against the Student on the basis of disability xxxxxxxxxxxx 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.,

On May 22, 2019, the District 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 allegation and appropriately resolves them. Further, OCR accepts the Agreement as an assurance that District 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 the District'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 the District'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 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 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 questions concerning this letter, please contact 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) 661-9638, or by email at lori.bringas@ed.gov.

Sincerely,

Lori Bringas
Supervisory Attorney/Team Leader
OCR Dallas Office
Office for Civil Rights

Enclosure: Resolution Agreement