



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

September 21, 2018

Reba Holmes, Superintendent  
Prairie Grove School District  
110 School Street  
Prairie Grove, AR 72753

Re: OCR# 06181571

Dear Superintendent Holmes:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint filed against the Prairie Grove School District (PGSD), Prairie Grove, Arkansas, which OCR received on April 26, 2018. The complainant alleged that the PGSD discriminated against the Student on the basis of disability (Juvenile Rheumatoid Arthritis).

OCR is responsible for determining whether entities that receive or benefit from Federal financial assistance, either from the Department 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, 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. Under Title II, OCR has jurisdiction over complaints alleging disability discrimination against public entities, such as public preschools, elementary and secondary education systems and institutions, public institutions of higher education and vocational education (other than schools of medicine, dentistry, nursing, and other health-related schools), and public libraries.

The PGSD is a recipient of Federal financial assistance from the Department and is a public entity. Therefore, OCR had jurisdiction to process the complaint under Section 504 and Title II.

Based on the complaint allegations and OCR's jurisdictional authority, OCR opened an investigation of the following legal issue:

1. Whether the recipient 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., allow the Student to participate on the cheer squad), and thereby denied the Student a free appropriate public education during the 2017 - 2018 school

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year, 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.

On August 16, 2018, the PGSD expressed interest in voluntarily resolving the allegations in the complaint prior to OCR's completion of its investigation. Section 302 of OCR's *Case Processing Manual* (CPM) provides that a complaint may be resolved when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint and OCR determines it is appropriate to resolve the allegations with an agreement during the course of an investigation. Consistent with Section 302 of the CPM, the PGSD agreed to the enclosed Resolution Agreement (the Agreement) on September 21, 2018, which OCR has determined addresses the compliance issues alleged in the complaint and which, when fully implemented, will resolve the complaint.

Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding the complaint. However, OCR will actively monitor the PGSD's implementation of the Agreement to determine whether the commitments made therein have been implemented consistently with the terms of the Agreement. Please be advised that if the PGSD fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

Effective the date of this letter, OCR is closing the investigative portion of the complaint. This concludes OCR's investigation of the complaint and should not be interpreted to address the recipient's compliance with any other regulator provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in OCR complaint #06181571. 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 also note that 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 a recipient may not threaten, coerce, intimidate, or discriminate against any individual for the purpose of interfering with any right or privilege secured by regulations enforced by OCR, or because the individual made a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing held in connection with an OCR complaint.

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.

Case Resolution Letter: OCR #06181571 Prairie Grove School District

If you have any questions, you may contact the attorney investigator assigned to this case, Samire K. Elhouty at (214) 661-9689 ([samire.elhouty@ed.gov](mailto:samire.elhouty@ed.gov)), or you can contact me, at (214) 661-9608 or ([paul.coxe@ed.gov](mailto:paul.coxe@ed.gov)).

Sincerely,

Paul E. Coxe  
Supervisory Attorney/Team Leader  
Office for Civil Rights  
Dallas Office