



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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DALLAS, TX 75201-6810

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TEXAS

August 1, 2019

Donna Broyles, Interim Superintendent
Little Rock Preparatory Academy
1616 S. Spring Street
Little Rock, AR 72206

Via first-class mail and email (dbroyles@lrprep.org)

OCR Ref # 06-19-1225

Dear Superintendent Broyles:

The U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office, has completed its investigation of the above-referenced complaint filed against Little Rock Preparatory Academy (LRPA). The complaint alleged LRPA discriminated against a student (the Student) on the basis of disability. The complaint also alleged retaliation.

OCR is responsible for enforcing 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 by recipients 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, which prohibit discrimination based on disability by certain public entities. Section 504 and Title II also prohibit retaliation. LRPA is a recipient and a public entity.

OCR opened the following legal issues for investigation:

1. Whether LRPA 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 (i.e., XX—phrase redacted --XX), and thereby denied the Student a free appropriate public education during the Fall semester of the 2018-2019 school 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.
2. Whether LRPA retaliated against the Student by XX—phrase redacted--XX, because the complainant XX—phrase redacted--XX, in violation of Section 504 at 34 C.F.R. § 104.61, and Title II at 28C.F.R. §35.134.
3. Whether LRPA discriminated against the Student on the basis of disability by failing to properly evaluate the Student's need for regular or special education and related aids and services in August 2018 despite having notice that, because of the Student's alleged disabilities, the Student needed or was believed to need such aids and services, and thereby denied the Student a free appropriate public education during the 2018-2019 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.

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

During OCR’s investigation to date, OCR reviewed information provided by the complainant and LRPA, and conducted preliminary interviews with both the complainant and LRPA’s representative. With respect to allegation 1, OCR’s preliminary review of the information provided by LRPA indicates XX—to end of sentence redacted--XX. The evidence indicates that XX—to end of sentence redacted--XX. The evidence indicates EASLR and LRPA are interconnected, and share a Director of Student Services and School Culture (Director). Evidence reviewed by OCR indicates the Fall 2018 semester began on August 7, 2018, but LRPA XX—to end of sentence redacted--XX. The complainant alleged XX—to end of sentence redacted--XX. While LRPA provided documentation indicating XX—to end of sentence redacted--XX. During the investigation, OCR noted that during the Fall 2018 semester, XX—to end of sentence redacted--XX. Emails reviewed by OCR indicate XX—to end of sentence redacted--XX. The evidence does not XX—to end of sentence redacted--XX. OCR’s investigation to date reflects a concern that LRPA did not implement the Student’s Section 504 Plan XX—to end of sentence redacted—XX.

With respect to allegation 2, OCR’s preliminary review of the information provided by LRPA indicates the XX—to end of sentence redacted--XX. Evidence reviewed by OCR indicates XX—to end of sentence redacted--XX. Evidence reviewed by OCR indicates that on XX—to end of sentence redacted--XX. While evidence does not indicate XX—to end of sentence redacted--XX. The evidence indicates that the complainant XX—to end of sentence redacted--XX. Based on the temporal proximity of the events, and XX—phrase redacted--XX. OCR’s investigation to date reflects a concern that XX—phrase redacted—XX may have had, in part, a retaliatory motive.

With respect to allegation 3, OCR’s preliminary review of the information provided by LRPA indicates XX—to end of sentence redacted--XX. XX—sentence redacted--XX The complainant indicated the Student had a Section 504 Plan during the 2017-2018 school year at EASLR. The complainant indicated XX—to end of sentence redacted--XX. The complainant alleged that the XX—to end of sentence redacted--XX. The information indicates XX—to end of sentence redacted—XX. The 504 Plan does not indicate what information was considered or how the accommodations listed were determined to address the Student’s individual needs. Evidence reviewed by OCR also indicates XX—to end of sentence redacted--XX. OCR’s investigation to date reflects a concern that LRPA did not completely follow the procedural requirements of Section 504 with respect to evaluating the Student XX—to end of sentence redacted--XX.

Prior to the conclusion of OCR’s investigation, LRPA 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 LRPA’s request to resolve this complaint prior to conclusion of the investigation.

LRPA voluntarily signed the enclosed resolution agreement (Agreement) on July 23, 2019. OCR determined the Agreement addresses and, when fully implemented, resolves the issue 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 LRPA fails to implement the Agreement, OCR will resume investigative activities.

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 Stephanie Inman, the attorney assigned to investigate this complaint, at (214) 661-9651, or by e-mail at stephanie.inman@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

CC Via Email:
Sharon Streett, Attorney for LRPA
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