



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

July 10, 2019

Norma Cotton, Director  
Cumberland Academy  
7200 Paluxy Drive  
Tyler, TX 75703

RE: OCR Complaint Number 06-19-1270  
Cumberland Academy

Dear Ms. Cotton:

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 January 17, 2019, filed against the Cumberland Academy (Academy), Tyler, Texas. The complaint alleged that the Academy discriminated against the Complainant's daughter xxxxxx xxxxxx (the Student) on the basis of disability.

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. The Academy 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 Academy discriminated against the Student on the basis of disability by failing to evaluate the Student's need for regular or special education and related aids and services despite having notice that, because of the Student's alleged disabilities, the Student needed or was believed to need such aids and services (e.g., failing to process the complainant's request for an individualized seizure plan for the Student



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 Academy'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 Academy'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 Academy 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](mailto:marvin.macicek@ed.gov). You may also contact me at (214) 661-9638, or by email at [lori.bringas@ed.gov](mailto:lori.bringas@ed.gov).

Sincerely,

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

Enclosure: Resolution Agreement