



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

May 1, 2019

Mr. William Wysinger, Superintendent
Bienville Parish School Board
P.O. Box 418
Arcadia, LA 71001

Ref: 06-19-1301

Dear Mr. Wysinger:

This letter is to notify you of the resolution of the above-referenced complaint filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, against the Bienville Parish School Board (BPSB), Arcadia, Louisiana, which was received by our office on January 29, 2019. The complainant alleged that the BPSB has discriminated against a student at XXXX XXXX XXXX (XXX) on the basis of her disability (XXXX), as well as other students with disabilities attending XXX. Based on the complaint allegations, OCR opened the following legal issues for investigation:

1. Whether the BPSB has discriminated against the Student on the basis of disability by failing to periodically re-evaluate the Student's need for regular or special education and related aids and services despite having notice since XXXX XXXX that, because of disability, the Student is in need of such aids and services, and has thereby denied the Student a free appropriate public education (FAPE), in violation of Section 504, at 34 C.F.R. §§ 104.33 and 104.35, and Title II, at 28 C.F.R. § 35.130.
2. Whether the BPSB discriminated against the Student on the basis of disability by failing to comply with the procedural requirements of Section 504 when it re-evaluated the Student's need for regular or special education and related aids and services in or around XXXX XXXX, including failing to provide the Student's parent/guardian with notice of procedural safeguards, and thereby denied the Student a FAPE, in violation of Section 504, at 34 C.F.R. § 104.35 and 104.36, and Title II, at 28 C.F.R. § 35.130.
3. Whether the BPSB has 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 parentheses redacted - XX), and has thereby denied the Student a FAPE since XXXX XXXX, in violation of Section 504, at 34 C.F.R. § 104.33, and Title II, at 28 C.F.R. § 35.130.

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

4. Whether the BPSB discriminates against students with disabilities at XXXX XXXX XXXX by failing to maintain a procedure for the periodic re-evaluation of students who, because of disability, are receiving related aids and services, in violation of Section 504, at 34 C.F.R. § 104.35(d), and 28 C.F.R. § 35.130.

OCR is responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department or 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 regulation at 34 C.F.R. Part 104, which prohibits 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, including public elementary and secondary educational institutions.

The BPSB is a recipient of Federal financial assistance from the Department and is a public elementary and secondary educational institution. Therefore, OCR has jurisdiction to process this complaint to resolution pursuant to Section 504 and Title II.

OCR began its investigation of this complaint by requesting written documentation from the BPSB in response to the complaint allegations. The documentation provided by the BPSB reveals that XX – remainder of paragraph redacted – XX.

Prior to OCR investigating further and making determinations regarding the BPSB's compliance with Section 504 and Title II, the BPSB expressed interest in taking actions to voluntarily resolve this complaint. Pursuant to Section 302 of OCR's *Case Processing Manual* (CPM), a complaint may be resolved at any time when, prior to the point when OCR issues a final determination, the recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them. In light of the BPSB's willingness to address this complaint's allegations without further investigation, OCR has determined that entering into a voluntary resolution agreement with the BPSB is appropriate in this case. Accordingly, OCR approved the BPSB's request to voluntarily resolve this complaint pursuant to Section 302 of the CPM.

The BPSB submitted the enclosed Voluntary Resolution Agreement (Agreement), which was signed by the BPSB on April 26, 2019. The provisions of the Agreement are aligned with the complaint allegations and the information obtained during OCR's preliminary investigation and are consistent with applicable law and regulations. OCR has determined that the Agreement, upon full implementation by the BPSB, satisfactorily resolves the allegations presented in this complaint. The dates for implementation and specific actions are detailed in the enclosed Agreement. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint; however, OCR will actively monitor the BPSB's implementation of the Agreement. Please be advised that if the BPSB fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

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.

Please be advised that the BPSB 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.

OCR would like to thank the BPSB for its cooperation in promptly resolving this complaint. If you have any questions regarding this letter, please contact Rachel Caum, Attorney, at (214) 661-9632, or at rachel.caum@ed.gov. You may also contact me, at (214) 661-9638, or at lori.bringas@ed.gov.

Sincerely,

/s/

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

Enclosure: Voluntary Resolution Agreement