



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

December 17, 2019

Delesicia Martin, Ed. D.
Superintendent
13192 Highway 18 West
Raymond, MS 39154

OCR Ref. No. 06201067

Superintendent Martin:

The United States Department of Education (Department), Office for Civil Rights (OCR), has resolved the investigation opened pursuant to the complaint referenced above, which was filed against the Hinds County School District (HCS D) Raymond, Mississippi. The Complainant alleged that HCS D discriminated against 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 or an agency that has delegated investigative authority to this 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. Section 504 prohibits 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 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 certain public entities, including public elementary and secondary educational institutions. HCS D is a public entity and a recipient of federal financial assistance. Therefore, OCR has jurisdiction over this entity.

OCR initiated an investigation of this complaint pursuant to OCR's Rapid Resolution Process (RRP) at Section 110 of OCR's *Case Processing Manual* (CPM). RRP is an expedited case processing approach that can be used to resolve cases in any of OCR's statutory areas. OCR considered the following issue in RRP:

Whether HCS D 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 disability (*[redacted]*), the Student needed or was believed to need such aids and services, and thereby denied the Student a free appropriate public education during

the 2019-2020 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.

During the processing of this matter, OCR learned that on *[redacted]*, advocating on behalf of the Complainant, the *[redacted]*. *[redacted]*. On December 9, 2019, the HCSD indicated that it wanted to resolve this complaint.

Section 110(b) of the CPM states that, “*where a recipient has indicated that it is willing to take action in the future to resolve the complaint...the complaint may be resolved by obtaining a resolution agreement, the implementation of which OCR will monitor.*” Based on the foregoing, OCR has determined that it is appropriate to resolve this complaint by obtaining a resolution agreement, the implementation of which OCR will monitor. On December 16, 2019, the District submitted the enclosed signed Resolution Agreement (Agreement) to OCR. When fully implemented, the Agreement will resolve the allegations in the complaint.

In light of the commitments the District has made in the Agreement, OCR finds that the complaint is resolved, and OCR is closing its investigation as of the date of this letter. OCR will monitor the District’s implementation of the Agreement to ensure that the commitments made are implemented timely and effectively. OCR may request additional information as necessary to determine whether the District has fulfilled the terms of the Agreement and is in compliance with Section 504 and Title II with regard to the issue raised.

This concludes OCR’s investigation of this complaint. However, if the District fails to implement the Agreement, OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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 Complainant 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 any questions, please feel free to contact the attorney-investigator, *[redacted]*, by telephone at *[redacted]* or by e-mail at: *[redacted]*. You may also contact me by telephone at *[redacted]*.

Sincerely,

[redacted]
Supervisory Attorney/Team Leader
Office for Civil Rights
Dallas Office

Attachment: Resolution Agreement