



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

Renaissance Tower
1201 Elm Street, Suite 1000
Dallas, TX 75270

May 7, 2021

XX---to end of phrase--XX

Ms. Dianne Lewis
Executive Director of Exceptional Student Services
Edna Karr High School/InspireNOLA Charter Schools
2401 Westbend Pkwy
New Orleans, LA 70114

OCR Complaint No. 06-21-1221

Dear Ms. Lewis:

This is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint filed against the Edna Karr High School/InspireNOLA Charter Schools (School), in New Orleans, Louisiana. The Complainant alleged that the School discriminated against a Student based on disability when, in XXXXXXXX, the School denied the Student the opportunity to try out for and/or participate in XXXXXXXX.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive Federal financial assistance from the Department. Because the School receives Federal financial assistance from the Department and is a public education system, OCR has jurisdiction over it pursuant to Section 504 and Title II.

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 the School discriminated against the Student, on the basis of disability, when in the XXXXXXXXXX, it denied the Student the opportunity to participate in XXXXXXXXXX, in violation of Section 504 and Title II, at 34 C.F.R. § 104.37, 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 the processing of this complaint, OCR spoke with you and the Complainant. OCR also reviewed information provided by the School and the Complainant. The information indicates that the Student most recently attended Edna Karr High School from XX---to end of sentence---XX. Documentation shows that the Student is a qualified individual with a disability who requires specialized services and accommodations for XXX disabilities.

The Complainant alleged that the School excluded the Student from XXXXXXXX in the XXXXXXXX because of XXXXXXXXXXXXX related to the Student's disabilities of which the School was aware. During the processing of this complaint, OCR reviewed the School's 2019-2020 and 2020-2021 XX---to end of phrase---XX, relevant policies and procedures, and correspondence between the Student's parent and School officials regarding the Student's interest in XXXXXXXX. The School indicated to OCR that XX---to end of phrase---XX were held in XX---to end of sentence---XX. However, the XXXXXXXX provided to OCR indicates at least XX---to end of phrase---XX on the XX---to end of sentence---XX. In addition, documentation indicates that the School provided various explanations to the Student's parent as to why the Student could not participate XXXXXXXX during the year at issue. Prior to the completion of OCR's investigation, the School expressed interest in resolving the complaint through a voluntary resolution agreement.

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 May 7, 2021, the School 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 School 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 School'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 School 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 School 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 School 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.

Please be advised the School 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. The complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

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 regarding this letter, please contact Linda Floyd, the attorney assigned to this complaint, at (214) 661-9657, or linda.floyd@ed.gov. You may also contact me at (214) 661-9600.

Sincerely,

/s/

Melissa Malonson
Supervisory Attorney/Team Leader
Office for Civil Rights
Dallas Office

Enclosure