



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

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

October 19, 2021

XXXXXXXXXXXXXXXXXX
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XXXXXXXXXXXXXXXXXX

Issued Via Email Only: XXXXXXXXXXXX

RE: OCR Case#: 06211498
Concordia Parish School Board

Dear XXXXXXX:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint, which was received on June 29, 2021, and filed against the Concordia Parish School Board (CPSB or District), in Vidalia, Louisiana. The Complainant alleged that the CPSB discriminated against XXXXX (Student) on the basis of disability. Specifically, the Complaint alleged that after evaluating the Student in XX, and determining that XX qualified for services, CPSB failed to complete its evaluation and place the Student on a Section 504 Plan (504 Plan). The Complainant further alleged that XX was made aware of the District's failure XXXXXX, and the District did not complete an evaluation and provide the Student with a 504 plan until XXXXXX.

OCR is responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department (recipients), 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. § 704 (amended 1992), and its implementing regulations 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 regulations 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 CPSB is a recipient and public entity. Therefore, OCR has jurisdiction over this complaint under Section 504 and Title II.

OCR opened the following issue for investigation:

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

1. Whether the CPSB discriminated against the Student on the basis of disability by failing to timely 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, and thereby denied the Student a free appropriate public education during the XXXXXX 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.

OCR reviewed information provided by the Complainant and data submitted by CPSB. OCR also conducted an interview with the Complainant and District staff. OCR's preliminary review of the information provided by the CPSB indicates in XXXXXX, the Student was evaluated by the CPSB's School Level Building Committee (SLBC) The XXXXXXXX XXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX XXXXXXXX that the Student demonstrated significant characteristics of XXXXXXXXXXXXXXXXXXXX at school and several characteristics of XXXX at home. The school XXXXXX included several recommendations in this report to assist the Student's classroom teacher, as well as the Complainant. The evidence indicates the SLBC did not make a determination whether the Student is a qualified individual with a disability, the SLBC did not create a service plan, nor did the SBLC provide the Complainant with procedural safeguards. In XXXXXX, the Complainant contacted the CPSB and requested a copy of the Student's 504 documentation. CPSB informed the Complainant that the Student did not have a 504 plan. The evidence reviewed indicates the CPSB completed a full evaluation of the Student in XXXXX, determined the student to be a qualified student with a disability, and created an individual accommodation plan pursuant to Section 504. OCR's preliminary review of the above information raises a concern that the CPSB failed to timely complete an evaluation of the Student pursuant to Section 504 and Title II.

Prior to the conclusion of OCR's investigation, CPSB 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 CPSB's request to resolve this complaint prior to conclusion of the investigation.

CPSB voluntarily signed the enclosed resolution agreement (Agreement) on October 5, 2021. OCR determined the Agreement addresses and resolves the issue under investigation, upon implementation. Thus, OCR is closing the investigation of this complaint as of the date of this letter. OCR will monitor implementation of the Agreement.

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 a 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, 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 matter, please contact Camille F. Lacey, the attorney assigned to this complaint, at (214)-661-9683 or camille.lacey@ed.gov. You may also contact me at (214)-661-9648.

Sincerely,

Timothy D. Caum
Supervisory Attorney/Team Leader
Office for Civil Rights
Dallas Office