



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VII
ARKANSAS
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August 25, 2022

SENT VIA EMAIL

Cody Kees, Attorney
Bequette, Billingsley & Kees, P.A.
425 West Capitol Avenue, Suite 3200
Little Rock, Arkansas 72201-3469
ckees@bbpalaw.com

Re: Beebe School District
OCR Case Number: 07221175

Mr. Kees:

On February 28, 2022, the U.S. Department of Education, Office for Civil Rights (OCR), received the above-referenced complaint against the Beebe School District (District), located in Little Rock, Arkansas, alleging the District discriminated against her son based on his disabilities when the XXXXX XXXXX XXXXX asked her son (Student) to [X---Language Redacted---X]. This letter is to confirm that the District has voluntarily entered into an agreement to resolve this complaint.

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, prohibit discrimination based on disability in programs and activities that receive federal financial assistance. Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35, prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive federal financial assistance.

Because the District receives federal financial assistance from the U.S. Department of Education and is a public entity, the District is subject to Section 504 and Title II, and OCR's jurisdiction. Additional information about the laws OCR enforces is available on its website at <http://www.ed.gov/ocr>.

Preliminary Background Information

The Complainant advised OCR that on XXXXX XX, XXXX, [X---Remaining Language Redacted ---X].

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

[X---Paragraph Redacted---X]

[X---Paragraph Redacted---X]

[X---Sentence Redacted---X]. The Director further said that any discipline of students on a school bus should be a write-up and referral to the principal of the school, and the principal should deal with the incident and any discipline.

[X---Paragraph Redacted---X]

Resolution

Prior to the completion of OCR’s investigation, the District agreed to resolve this complaint pursuant to a resolution agreement in accordance with Section 302 of OCR’s *Case Processing Manual* (CPM), which is available online at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>. OCR determined it would be appropriate to resolve this complaint in accordance with OCR’s rapid resolution process. On August 16, 2022, the District submitted a signed resolution agreement (Agreement) (copy attached) that, when fully implemented, will address this complaint.

The Agreement requires the District to train bus drivers, including substitute bus drivers, about the laws and issues pertaining to Section 504 and Title II compliance, including: 1) the general anti-discrimination provisions of Section 504 and Title II, including the prohibition against denying a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service of the District, 2) the District’s process for providing bus drivers with copies of student Section 504 and IEP documentation and the duty of bus drivers to implement applicable services and accommodations, 3) the District’s procedures for addressing student behavioral incidents and potential discipline on school busses, and 4) [X---Sentence Redacted---X].

OCR will monitor the District’s implementation of the Agreement. When OCR concludes the District has fully complied with the terms of the Agreement, OCR shall close this case.

OCR considers this complaint resolved effective the date of this letter. OCR will monitor the District’s implementation of the Agreement. When OCR concludes the District has fully complied with the terms of the Agreement, OCR shall close this case.

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. A 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 that individual filed a complaint or participated in the complaint resolution process. If this happens, that individual may file a complaint with OCR 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, it 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 contact Julie Riege, Attorney, at (816) 268-0566 (voice), or (877) 521-2172 (telecommunications device for the deaf), or by email at julie.riege@ed.gov.

Sincerely,

Jennifer Brooks
Supervisory Attorney

Attachment