



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

October 30, 2013

Ms. Jennifer L. Hall
Director, Civil Rights Office
Texas Health and Human Services Commission
4900 N. Lamar, Suite 4300, Mail Code: BH-1560
Austin, Texas 78751

RE: OCR Case No. 06133005
Texas Department of Assistive and Rehabilitative Services

Dear Ms. Hall:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its consideration of the above-referenced March 22, 2013, complaint against the Texas Department of Assistive and Rehabilitative Services (DARS), Austin, Texas, wherein the complainant alleged DARS discriminated against him on the basis of disability when the Beaumont field office refused to allow him to re-apply for services and/or denied his application for services in XXXXXXXX and XXX 2013.

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, and its implementing regulation, at 34 C.F.R. Part 104. Section 504 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. DARS is a recipient of Federal financial assistance from the Department and is also a public agency. Therefore, OCR had jurisdictional authority to investigate allegations of discrimination filed against DARS under Section 504 and Title II.

By letter dated August 16, 2013, OCR notified the complainant and DARS that it was opening for investigation the following issue:

Whether DARS discriminated against the complainant on the basis of disability by excluding him from participation in or denying him the benefits of services offered by DARS, in violation of Section 504 and its implementing regulation at

34 C.F.R. § 104.4(a), and Title II and its implementing regulation at 28 C.F.R. §35.130(a).

Prior to the completion of OCR's investigation, DARS 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, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint. The provisions of the resulting voluntary resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation, and will be consistent with applicable regulations.

On July 31, 2013, the Director of the Dallas Office approved the request from DARS to resolve this complaint. DARS voluntarily submitted the enclosed Resolution Agreement (Agreement). OCR determined that the provisions of the Agreement are aligned with the complaint allegation and appropriately resolve it. Further, OCR accepts the Agreement as an assurance that DARS will fulfill its obligations under Section 504 and Title II with respect to the complaint allegation. The dates for implementation and specific actions are detailed in the Agreement. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR will actively monitor DARS' implementation of the Agreement. Please be advised that if DARS 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. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Under OCR procedures we are obligated to advise the institution against which the complaint is filed that intimidation or retaliation against a complainant is prohibited by regulations enforced by this agency. Specifically, the regulations enforced by OCR, directly or by reference, state that no recipient or other person shall intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by regulations enforced by OCR or because one has made a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing held in connection with a complaint.

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 questions or concerns about this letter, please contact Tiffany Gray, the attorney assigned to this matter, at (214) 661-9611, or Gregory McGhee, Supervisory Attorney/Team Leader, at (214) 661-9600.

Sincerely,

Taylor D. August
Director, Dallas Office
Office for Civil Rights

Enclosure