



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
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TEXAS

Duncan F. Klussmann, Ed.D.
Superintendent of Schools
Spring Branch Independent School District
955 Campbell Rd.
Houston, TX 77024

Re: OCR Docket #06141303

Dear Superintendent Klussmann:

This letter is to notify you of the determination made by the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, in the above-referenced complaint filed against the Spring Branch Independent School District (SBISD or District), Houston, Texas. The complainant alleged that, during the 2013-2014 school year, the SBISD discriminated against her daughter (the Student) on the basis of disability (XXXX) when the District denied the Student a free appropriate public education (FAPE) by failing to implement provisions of her Individual Education Plan (IEP).

OCR is responsible for determining whether entities that receive or benefit from Federal financial assistance, either from the Department or from 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. § 794, and its implementing regulations at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability. This agency is also responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulations at 28 C.F.R. Part 35, which prohibit disability discrimination by public entities. Under Title II, OCR has jurisdiction over complaints alleging disability discrimination against public entities, such as public preschools, elementary and secondary education systems and institutions, public institutions of higher education and vocational education (other than schools of medicine, dentistry, nursing, and other health-related schools), and public libraries. The District is a recipient of Federal financial assistance from the Department and a public entity. Therefore, OCR has jurisdiction to investigate this complaint under Section 504 and Title II.

In accordance with Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint. Prior to the conclusion of OCR's investigation, the District indicated its desire to voluntarily enter into an agreement to resolve the complaint allegation and compliance concerns raised during the course of the investigation. OCR reviewed this request and determined that it justified entering into an agreement without completing a full 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.

On September 23, 2014, the District signed the Resolution Agreement (Agreement), which is enclosed. When the Agreement is fully implemented, the complaint allegation and compliance concerns will be resolved consistent with the requirements of Section 504, Title II, and their implementing regulations. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding the complaint allegation. OCR will monitor implementation of the Agreement through periodic reports demonstrating the terms of the Agreement have been fulfilled. OCR will provide written notice of any deficiencies regarding the implementation of the terms of the Agreement and will promptly require actions to address such deficiencies. If the District fails to implement the Agreement, OCR will take appropriate action, as described in the Agreement.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. The case is now in the monitoring phase. The monitoring phase of the case will be completed when OCR determines that the District has fulfilled all of the terms of the Agreement.

The complainant may have the right to file a private suit in Federal court whether or not OCR finds a violation.

Under OCR procedures, OCR is obligated to advise the complainant and the institution against which a complaint is filed that intimidation or retaliation against any individual 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 an 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, 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 about this letter, you may contact Mr. Kenyatta Braggs, the assigned attorney-investigator, at (214) 661-9659, or you may contact me at (214) 661-9600.

Sincerely,

Gregory D. McGhee
Supervisory General Attorney

Enclosures