



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

Ms. Ann O. Carrell
Board President/Superintendent/CEO
Imagine International Academy of North Texas
2860 Virginia Parkway
McKinney, Texas 75071

RE: OCR Case No. 06141415
Imagine International Academy of North Texas

Dear Ms. Carrell:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its investigation of the above-referenced complaint, which was received in this office on May 6, 2014. This complaint, supplemented with additional allegations during the course of this investigation, alleged that during the 2013-2014 school year, the Imagine International Academy of North Texas (IIANT), McKinney, Texas, discriminated against the complainant's daughter (Student) on the basis of her disability by:

1. Refusing the complainant's request for Response to Intervention (RTI) services for the Student;
2. Making a pre-determination with regard to the Student without first speaking with the complainant;
3. Not training all staff members about the Student's disabilities; and
4. Retaliating against the complainant and/or Student by:
 - a. not following the Student's IEP in XXXX and/or XXXX class (e.g., extension of time, checking for understanding, providing copies of notes, test reviews),
 - b. refusing to send the College Board "new update [sic] information that would have given [the Student] the right to accommodations that she needed," and
 - c. not preparing the Student (and her classmates) for AP exams.

OCR is responsible for determining whether organizations 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, (amended 1992), and its implementing regulation, at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability. OCR is also responsible for enforcing 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. The implementing regulations for Section 504, at 34 C.F.R. §104.61, and Title II, at 28 C.F.R. §35.134, also prohibit retaliation. The IIANT is a recipient of Federal financial assistance from

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

the Department and is a public educational institution (open-enrollment charter school). Therefore, OCR has jurisdictional authority to investigate allegations of disability discrimination and retaliation filed against the IIANT under Section 504 and Title II.

By letter dated September 5, 2014, OCR notified the complainant and IIANT that it was opening for investigation the following issues:

1. Whether the IIANT denied the Student a free appropriate public education (FAPE) during the 2013-2014 school year by failing to appropriately evaluate the Student to determine her eligibility for special education or related aids and services (e.g., interventions, predeterminations without input from a parent), in violation of Section 504 (34 C.F.R. §§104.33, 104.35) and Title II (28 C.F.R. §35.130).
2. Whether the IIANT retaliated against the complainant and/or Student (due to the complainant's attempts to obtain Section 504 and Title II services for the Student) when:
 - a) the Student's XXXX and/or XXXX teacher(s) did not follow the Student's IEP (e.g., extension of time, checking for understanding, providing copies of notes, test reviews); b) the IIANT did not provide necessary accommodation documentation to the College Board; and c) the IIANT did not prepare the Student for her AP exams, in violation of Section 504 (34 C.F.R. §104.61) and Title II (28 C.F.R. §35.134).

And by letter of October 16, 2014, OCR notified the parties that it was additionally opening for investigation the following:

3. Whether during the 2013-2014 school year, the IIANT failed to provide the Student a FAPE by not providing the Student with teachers who were trained in the instruction of persons with the Student's disabilities, or otherwise implement agreed-upon related aids and services, in violation of Section 504 (34 C.F.R. §104.33(b)(1)(i) and (2)) and Title II (28 C.F.R. §35.130).

On October 27, 2014, the IIANT requested to voluntarily resolve the complaint allegations prior to OCR's completion of its investigation. Section 302 of OCR's *Case Processing Manual* (CPM) provides that a complaint may be resolved when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint. Consistent with Section 302 of the CPM, the IIANT submitted the enclosed Resolution Agreement (Agreement) on February 18, 2015, which OCR has determined addresses the compliance issues alleged in the complaint and which, when fully implemented, will resolve this complaint.

Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR will actively monitor the IIANT's implementation of the Agreement to determine whether the commitments made therein have been implemented consistently with the terms of the Agreement. Please be advised that if the IIANT fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

Effective the date of this letter, OCR is closing the investigative portion of this case. This concludes OCR's investigation of the complaint and should not be interpreted to address the

recipient's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. 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 also note that the 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 IIANT 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, 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, 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, you may contact the attorney investigator assigned to this case, Thomas Stack, at (214) 661-9650, or Justin Evans, Team Leader, at (214) 661-9600.

Sincerely,

Taylor D. August
Director
Office for Civil Rights
Dallas Office

Enclosure: As Stated

Cc: XXXX XXXX
Brackett & Ellis, P.C.
100 Main Street
Ft. Worth, Texas 76102