



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

Dr. Salvador Cavazos, Superintendent
East Austin College Prep
6002 Jain Lane
Austin, TX 78721

RE: OCR Ref. No. 06141464
East Austin College Prep

Dear Dr. Cavazos:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, is concluding its investigation of the above-referenced complaint, which was received on June 3, 2014. The complainant alleged that East Austin College Prep (EACP) in Austin, Texas, discriminated against students on the basis of disability.

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 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. 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, which prohibit public entities from discriminating on the basis of disability. EACP is a recipient of Federal financial assistance from the Department and is a public educational institution. Therefore, OCR has jurisdictional authority to investigate allegations of discrimination filed against EACP under Section 504 and Title II.

By letter dated July 17, 2014, OCR notified the complainant and EACP that it was opening for investigation the following issues:

1. Whether, during the 2013-2014 school year, EACP denied students a free appropriate public education (FAPE) by failing to establish standards and procedures for the evaluation and placement of persons, who, because of disability, need or are believed to need special education or related services, in violation of Section 504, at 34 C.F.R. §104.35, and Title II, at 28 C.F.R. § 35.130; and
2. Whether, during the 2013-2014 school year, EACP denied students a FAPE by failing to evaluate them before making a significant change in placement, in violation of Section 504, at 34 C.F.R. §104.35, and Title II, at 28 C.F.R. § 35.130.

On November 14, 2014, the EACP 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

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

investigation, the recipient expresses an interest in resolving the complaint. Consistent with Section 302 of the CPM, the EACP submitted the enclosed Resolution Agreement (Agreement) on December 2, 2014, 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 EACP'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 EACP 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 a recipient may not threaten, coerce, intimidate, or discriminate against any individual for the purpose of interfering with any right or privilege secured by regulations enforced by OCR, or because the individual made a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing held in connection with an OCR 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, you may contact the attorney investigator assigned to this case, Lori Bringas, at (214) 661-9638, or Gregory McGhee, Team Leader, at (214) 661-9600.

Sincerely,

Taylor D. August
Director
Office for Civil Rights
Dallas Office

Enclosure

cc: XXXX, Esq. (*via email*)