



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

March 4, 2016

OCR Docket #: 06151742

Dr. Bob Morrison, Superintendent
Garland Independent School District
501 S. Jupiter Road
Garland, Texas 75042

Dear Dr. Morrison:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its processing of the above-referenced complaint, which was filed against the Garland Independent School District (GISD or District) in Garland, Texas, and was received by OCR on XXXX, 2015. The complainant alleged the GISD discriminated against her daughter (hereinafter, “the Student”) on the basis of her disability. Specifically, the complainant alleged that GISD failed to timely evaluate the Student for Section 504 services, in violation of Section 504 and Title II.

OCR is responsible for determining whether organizations or 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 (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, which prohibit disability discrimination by public entities. Because the GISD is both a recipient of Federal financial assistance from the Department and a public entity, OCR had jurisdiction to investigate this complaint pursuant to Section 504 and Title II.

Based on the complainant’s allegations, OCR began investigating the following legal issue:

Whether the GISD discriminated against the Student on the basis of disability by failing to timely evaluate her need for regular or special education and related aids and services, and thereby denied the Student a free appropriate public education (FAPE) during the XXXX 2015 term, in violation of Section 504 and Title II and their implementing regulations, at 34 C.F.R. §§ 104.33 and 104.35, and 28 C.F.R. § 35.130, respectively.

During its investigation, OCR obtained copies of the GISD policies and procedures prohibiting disability discrimination and providing for a FAPE for students with disabilities. OCR also conducted interviews with the complainant, clarifying the complaint allegations. In addition, OCR reviewed the Student’s school records and other information provided by the District and

the complainant. Finally, OCR subsequently interviewed the complainant after reviewing the above data.

Prior to the completion of OCR's investigation, the GISD informed OCR that it was interested in resolving the complaint allegations. Section 302 of OCR's *Case Processing Manual* provides that a complaint may be resolved at any time when, prior to the conclusion of an investigation, the recipient expresses an interest in resolving the allegation. 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. OCR approved the GISD's request to resolve this complaint prior to the conclusion of the investigation.

The GISD voluntarily submitted the enclosed Resolution Agreement (Agreement) to resolve this complaint; the Agreement was signed by the GISD on March 3, 2016. OCR has determined the provisions of the Agreement are aligned with the complaint allegations and appropriately resolve them. Further, OCR accepts the Agreement as an assurance the GISD will fulfill its obligations under Section 504 and Title II with respect to this complaint. 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 the District's implementation of the Agreement. Please be advised that if the GISD 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.

Please be advised that the GISD 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, the complainant may file another complaint 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.

Thank you for the cooperation extended to OCR in our efforts to resolve this complaint. If you have any questions regarding this letter, please contact Ms. Page Baird, the assigned investigator, at (214) 661-9604 or page.baird@ed.gov, or me at (214) 661-9687 or at terri.gonzales@ed.gov.

Sincerely,

Page 3 – Dr. Bob Morrison, Superintendent

Terri Gonzales
Supervisory Attorney/Team Leader
Office for Civil Rights
Dallas Office

Enclosure

cc: XXXX XXXX