



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

Ref: OCR Docket # 06151753

Mr. Alan Santucci, Head of School
Gateway College Preparatory School
3360 CR 111
Georgetown, TX 78626

Dear Mr. Santucci:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint filed against the Gateway College Preparatory School (GCPS), Georgetown, Texas, which OCR received on September 28, 2015. The Complainant alleged that GCPS discriminated against a ninth- grade student (Student) on the basis of disability when it failed to provide certain accommodations listed in the Student's individualized educational program (IEP) during the 2014-2015 and 2015-2016 school years.

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. 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 regulations at 28 C.F.R. Part 35. 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 GCPS is a recipient of Federal financial assistance from the Department and is a public entity. Therefore, OCR has jurisdiction to process this complaint under Section 504 and Title II.

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

OCR opened an investigation of the following legal issue:

Whether the GCPS discriminated against the Student on the basis of disability by failing to provide regular or special education and related aids and services deemed necessary to meet the Student's individual educational needs (e.g., failed to reduce school work by 25% and provide daily accountability sheets), and thereby denied the Student a free appropriate public education during the 2014-2015 and 2015-2016 school years, in violation of Section 504 and Title II and their implementing regulations, at 34 C.F.R. § 104.33 and 28 C.F.R. § 35.130, respectively.

During the course of investigation, OCR interviewed the Complainant and the Student's XXXX and received information from the GCPS regarding the issue under investigation. OCR's review indicated that the Student XXXX XXXX during the 2014-2015 and 2015-2016 school years. The Complainant maintained that the GCPS staff failed to reduce the Student's school work by 25% and provide daily accountability sheets. OCR's review of documents provided by the GCPS indicates that the Student's IEPs calls for a 25% reduction in course work, a requirement to X---phrase redacted---X, and a requirement to X---phrase redacted---X. There is also a requirement for the Student to X---phrase redacted---X. However, the IEPs do not specifically mention "daily accountability sheets."

Prior to the conclusion of OCR's investigation, and before OCR had obtained sufficient evidence to support a finding of either compliance or noncompliance with regard to the issue above, the GCPS expressed an interest in resolving the allegations and issues raised in the complaint. Under Section 302 of OCR's Case Processing Manual, issues under investigation may be resolved at any time when, prior to the conclusion of the investigation, the recipient expresses an interest in resolving the allegations and issues and OCR determines that it is appropriate to resolve them with an agreement during the course of an investigation.

OCR determined that it is appropriate to resolve the allegations and issues pursuant to OCR's case processing procedures referenced above. OCR negotiated with the GCPS and obtained the enclosed Resolution Agreement (Agreement), dated March 23, 2016. OCR has determined that the Agreement, when fully implemented, will satisfactorily resolve the compliance issues raised by the complaint allegations. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint; however, OCR will actively monitor the GCPS's implementation of the Agreement. Please be advised that if the GCPS fails to adhere to the actions required under the Agreement, OCR will immediately resume its compliance efforts.

This concludes OCR's investigation of the complaint and should not be interpreted to address the GCPS's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. The Complainant has been notified of this action.

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.

Please be advised that the GCPS 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.

If you have any questions regarding this matter, you may contact Tamara Williams, the investigator assigned to your complaint, at (214) 661-9607 (XXXX.ed.gov), or Lori Bringas, Team Leader Designee, at (214) 661-9638 (XXXX@ed.gov). You may also contact me at (214) 661-9674 (XXXX@ed.gov).

Sincerely,

Gregory McGhee
Program Manager
Office for Civil Rights
Dallas Office

Enclosure