



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

**VIA MAIL**  
**VIA EMAIL (XXX)**

XXX  
XXX

February 21, 2017

Bastrop Independent School District  
Bastrop, TX 78602

Re: OCR Complaint No. 06-17-1203

Dear XXX:

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 for resolution. The complaint was received in our office on December 13, 2016, and filed against the Bastrop Independent School District (BISD), in Bastrop, Texas. The complainant alleged that BISD discriminated against XXX (Student) on the basis of disability.

OCR 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), as amended, 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. §§ 12131 *et seq.*, and its implementing regulations 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 Section 504 implementing regulation at 34 C.F.R. § 104.61 incorporates by reference the provision against retaliation under Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 C.F.R. Part 100. Title II also has a provision prohibiting retaliation at 28 C.F.R. § 35.134. BISD is a recipient of Federal financial assistance from the Department and is a public entity. Therefore, OCR has jurisdictional authority to process this complaint for resolution under Section 504 and Title II.

Based on the complainant's allegations, OCR opened for investigation the following legal issue:

Whether the District treated the Student differently (i.e., by requiring the Student take the TSI test at Austin Community College on a Saturday) on the basis of disability in the context of an educational program or activity without a legitimate nondiscriminatory reason, and thereby, interfered with or limited the ability of the Student to participate in or benefit from the services, activities or privileges provided by the District during the 2016-2017 school year, in violation of Section 504, at 34 C.F.R. §104.4, and Title II, at 28 C.F.R § 35.130.

OCR processed this complaint via the Rapid Resolution Process and early in the investigation BISD informed OCR that it was interested in resolving the complaint through a voluntary resolution

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

agreement. 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 BISD's request to resolve this complaint prior to the conclusion of the investigation.

BISD voluntarily submitted the enclosed Resolution Agreement (Agreement) to resolve this complaint; BISD signed the Agreement February 20, 2017. OCR has determined the provisions of the Agreement are aligned with the complaint allegations and appropriately resolves them. Further, OCR accepts the Agreement as an assurance BISD 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 enclosed Agreement. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR will actively monitor BISD's implementation of the Agreement. Please be advised that if BISD 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 the individual OCR case identified above. 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 BISD 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 Stephanie Inman, the attorney assigned to the matter, at (214) 661-9651 or [stephanie.inman@ed.gov](mailto:stephanie.inman@ed.gov). You may also contact me, at (214) 661-9600.

Sincerely,

/s/

Melissa Huling Malonson  
Supervisory Attorney/ Team Leader  
Office for Civil Rights  
Dallas Office