



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: #06131545

Dr. Rockwell Kirk, Superintendent
Plainview Independent School District
P.O. Box 1540
Plainview, TX 79072

Dear Dr. Kirk:

This letter is to inform you of the determination of the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, regarding the resolution of the above-referenced complaint filed against the Plainview Independent School District (PISD), Plainview, Texas, which was received on May 23, 2013. The Complainant alleged that the PISD subjected her XXXXXXXXXX (hereinafter referred to as “the Student”) to disability discrimination. Specifically, the Complainant alleged that the PISD failed to provide the accommodations listed in the Student’s Section 504 accommodations plan (i.e., XXXXXXXX XXXX XX XXXXXXXX XXXXX, XXXXXXXX XXXX XX XXXXXXXX XXXXXXXXXXXXX, and XXXX XXXXXXXX).

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 (recipients), 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. § 12131, and its implementing regulations, at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities.

The PISD is both a recipient of Federal financial assistance from the Department and a public entity. Therefore, OCR has jurisdiction to investigate this complaint under Section 504 and Title II.

OCR opened this complaint for investigation because we determined that the Complainant’s allegation, if proven true, would constitute disability discrimination in violation of Section 504 and Title II. Specifically, OCR opened an investigation of the following legal issue:

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

Whether the PISD 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 (i.e., XXXXXX XX XXXXXXXX XXXXXXXXX XXXX XX XXXXXXXX XXXXX, XXXXXXXX XXXX XX XXXXXXXX XXXXXXXXXXXXX, and XXXX XXXXXXXX), and thereby denied the Student a free appropriate public education during the 2012-13 school year, 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.

After the investigation began, but before OCR reached an investigative compliance determination, the PISD expressed a desire to voluntarily resolve the complaint. The PISD submitted the enclosed Resolution Agreement (Agreement) dated January 14, 2014, to memorialize the steps that it will take to resolve the compliance issues raised by the complaint allegation. OCR has determined that the Agreement, when fully implemented, will satisfactorily resolve the compliance issues raised by the complaint allegation. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint; however, OCR will actively monitor the PISD's efforts to implement the Agreement. Please be advised that if the PISD fails to adhere to the actions outlined in 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 PISD'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 PISD 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 that you and your staff extended to OCR in our efforts to resolve this complaint. If you have any questions regarding this letter, please contact Justin T. Evans, Supervisory Attorney/Team Leader, at (214) 661-9600.

Sincerely,

/s/

Taylor D. August
Director
U.S. Department of Education
Office for Civil Rights, Dallas Office

Enclosure