



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN STREET, SUITE 1620
DALLAS, TEXAS 75201-6831

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

November 12, 2013

Dr. Denise M. Trauth, President
Texas State University
661 University Dr.
San Marcos, TX 78666

Re: OCR Docket #06132087
#06132089
#06132308
#06132319
#06132323

Dear Dr. Trauth:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its consideration of the above-referenced complaints filed against Texas State University (TSU), San Marcos, Texas, which OCR received on March 19, 2013. In the complaint, the complainants alleged that TSU employees discriminated against them on the basis of disability (XXXXXXXXXXXXXXXXXX) by failing to provide them with necessary and appropriate sign-language interpretation services during the spring 2013 semester.

This agency 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 regulations, at 34 C.F.R. Part 104, which prohibit both discrimination on the basis of disability and retaliation. 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, which prohibit disability discrimination and retaliation by public entities.

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

Based on the allegations, OCR investigated whether TSU failed to make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of disability, against a qualified disabled student, by failing to provide them with necessary auxiliary aids and services, specifically, interpreter assistance in all of their classes, during the 2012-2013 academic year, in violation of Section 504, at 34 C.F.R. § 104.44, and Title II, at 28 C.F.R. § 35.130(a).

Prior to the completion of OCR's investigation, TSU officials informed OCR that TSU was interested in resolving the complaint. Section 302 of OCR's Case Processing Manual provides that a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint and OCR determines that such a resolution is appropriate. The provisions of the resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation and will be consistent with applicable regulations.

On November 5, 2013, TSU voluntarily signed and submitted to OCR a Resolution Agreement to resolve the complaint allegations. A copy of the Resolution Agreement is enclosed. OCR determined that the provisions of the Resolution Agreement are aligned with the complaint allegations and appropriately resolve them. Further, OCR accepts the Resolution Agreement as an assurance that TSU will fulfill its obligations under Section 504 and Title II with respect to the complaint allegations. The dates for implementation and specific actions are detailed in the Resolution Agreement. OCR will monitor TSU's implementation of the Resolution Agreement.

Effective the date of this letter, OCR is closing this complaint. This concludes OCR's investigation of the complaint and should not be interpreted to address TSU'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 the above-referenced individual OCR cases. 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 complainants may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that TSU 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 complainants may file additional complaints 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 your cooperation with respect to the processing of these complaints. If you have any questions about this letter, please contact Justin T. Evans, Supervisory Attorney/Team Leader, at (214) 661-9600.

Sincerely,

/S/

Taylor D. August
Director, Dallas Office
Office for Civil Rights