



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

August 14, 2014

Ref: 06141261

Mr. Orlando P. Riddick
Superintendent
Cedar Hill Independent School District
285 Uptown Blvd.
Cedar Hill, TX 75104

Via first class mail and email (Orlando.riddick@chisd.net)

Dear Mr. Riddick:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its investigation of the above-referenced complaint, which was received on March 5, 2014, and filed against the Cedar Hill Independent School District (CHISD), in Cedar Hill, Texas. In the complaint and a subsequent conversation with OCR, the complainant alleged that the CHISD discriminated against her son (Student) on the basis of disability (XXXX, XXXX and XXXXXXXX XXXXXXXXXX). Specifically, the complainant alleged that the CHISD discriminated against the Student:

1. By failing to re-evaluate the Student for Section 504 services in the 2013-2014 school year; and
2. By failing to provide the complainant procedural safeguards in the 2013-2014 school year.

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), 29 U.S.C. §794 (amended 1992), and its implementing regulation at 34 C.F.R. Part 104, which prohibits 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. §12132, and its implementing regulation 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 CHISD is a recipient of federal financial assistance from the Department and is a public entity. Therefore, OCR had jurisdictional authority to process this complaint for resolution 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 the allegations for investigation, and investigated the following issues:

1. Whether the CHISD discriminated against the Student on the basis of disability during the 2013-2014 school year by failing to reevaluate the Student for special education or related services, in violation of 34 C.F.R. §104.35 and 28 C.F.R. §35.130; and
2. Whether the CHISD discriminated against the Student on the basis of disability during the 2013-2014 school by failing to provide the complainant procedural safeguards, in violation of 34 C.F.R. §104.36 and 28 C.F.R. §35.107.

Prior to receiving the District's response to OCR's data request, and prior to OCR making an investigative determination, the CHISD requested to resolve the complaint by voluntarily entering into a Resolution Agreement (Agreement). Under OCR's procedures, a complaint may be resolved at any time when, before the conclusion of an OCR investigation, a recipient expresses an interest in resolving the complaint. The resolution agreement is aligned with the complaint allegations or the information obtained during the investigation, and is consistent with applicable regulations.

On August 8, 2014, the CHISD voluntarily entered into the enclosed agreement, which, when fully implemented, resolves this complaint. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR will actively monitor the CHISD's implementation of the Agreement to ensure compliance with Section 504/Title II with regard to the issues investigated.

This concludes OCR's investigation of the complaint and should not be interpreted to address the recipient'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 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 also note that 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 a recipient 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 other related correspondence and records upon request. In the event we receive 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 privacy.

If you have any questions, you may contact the attorney investigator assigned to this case, Natasha Gonzalez Rojas, at (214) 661-9680, or Adriane Martin, Team Leader, at (214) 661-9678.

Sincerely,

/S/

Taylor D. August
Director
Office for Civil Rights
Dallas Office

Enclosure

cc: XXXX XXXX, Esquire, Counsel for CHISD (via email
(XXXXXXXXXXXXXXXXXXXXX), w/ encl.)