



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

October 4, 2018

Ref: #06-14-1595

Dru Ann Mushlian, Interim Superintendent
Hardin Jefferson Independent School District
P.O. Box 490
Sour Lake, TX 77659

Dear Dr. Holmes:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint filed against the Hardin-Jefferson Independent School (HJISD), Sour Lake, Texas, which was received on September 2, 2014. The Complainants alleged that the HJISD discriminates on the basis of disability. The Complainants also alleged that HJISD subjected their XXX (Student) to retaliation because they requested services in connection with his disabilities. Specifically, the Complainants alleged that:

1. On or about August 18, 2014, the HJISD retaliated against the Student by not allowing the Complainants' XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX;
2. On or about September 3, 2014, the HJISD retaliated against the Student by not XXX the Complainants to the Henderson Middle School (HMS) XXX XXX; and
3. The HJISD fails to provide the following accessible features: accessible parking at the HJISD administrative building; an accessible playground at China Elementary School (CES) and Sour Lake Elementary School (SLES); an accessible route to the playground at CES; and an accessible website.

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. Both Section 504 and Title II prohibit retaliation.

The HJISD 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 an investigation of the following legal issues:

1. *Whether the HJISD retaliated against the Student by: (1) denying the Complainants' XXXXXXXXXXXXXXXXXXXXXXXXXXXX and (2) failing to XXX the Complainants to the HMS XXX XXX XXX on or about XXX XXX XXX, because the Complainants filed a XXX XXX XXX XXX, in violation of Section 504, at 34 C.F.R. § 104.61, and Title II, at 28 C.F.R. § 35.134, and*
2. *Whether persons with disabilities are denied the benefits of, excluded from participation in, or otherwise subjected to discrimination by HJISD because the parking at the administrative building, the playground and the route to the playground at CES, the playground at SLES, and the HJISD website are inaccessible to or unusable by persons with disabilities, in violation of Section 504, at 34 C.F.R. § 104.21, and Title II, at 28 C.F.R. § 35.149.*

After the investigation began, but before OCR reached an investigative compliance determination, the HJISD expressed a desire to voluntarily resolve the complaint in its entirety. The HJISD submitted the enclosed Resolution Agreement (Agreement), to memorialize the steps that it will take to resolve the compliance issues raised by the complaint allegations. 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 HJISD's efforts to implement the Agreement. Please be advised that if the HJISD 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 HJISD's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. The Complainants have 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 Complainants may have the right to file a private suit in Federal court whether or not OCR finds a violation.

Please be advised that the HJISD 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 individual 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 matter, you may contact Tamara Williams, the investigator assigned to this complaint, at (214) 661-9607 (Tamara.Williams@ed.gov), or you may contact me at (214) 661-9638 (Lori.Bringas@ed.gov).

Sincerely,

Lori Bringas
Supervisory Attorney / Team Leader
Office for Civil Rights
Dallas Office

Enclosure