



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: 06141596

Mr. XXX, Superintendent
Cherokee Independent School District
Box 100
305 S. Indian Ave.
Cherokee, TX 76832

Dear Mr. 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 filed against the Cherokee Independent School District (CISD), Cherokee, Texas, and was received in our office on September 2, 2014. The complainant alleged that the CISD discriminated against her son (the Student) on the basis of his disabilities (XXX) when the CISD failed to provide programs and activities that are accessible to and useable by persons with mobility impairments at Cherokee Elementary School (i.e., accessible parking and outdoor walkways from parking areas) and Cherokee High School (i.e., accessible parking).

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, 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. This agency 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. Under Title II, OCR has jurisdiction over complaints alleging disability discrimination against public entities, such as public preschools, elementary and secondary education systems and institutions, public institutions of higher education and vocational education (other than schools of medicine, dentistry, nursing, and other health-related schools), and public libraries.

The CISD is both a recipient of Federal financial assistance from the Department and a public elementary and secondary education system. Therefore, OCR has jurisdiction to process this complaint under Section 504 and Title II.

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

Whether persons with disabilities are denied the benefits of, excluded from participation in, or otherwise subjected to discrimination by the CISD because the associated parking and paths of travel located at Cherokee Elementary School and Cherokee High School are inaccessible to or unusable by persons with disabilities, in violation of Section 504 and Title II, at 34 C.F.R. §§ 104.21-104.23, and 28 C.F.R. §§ 35.149-35.151, respectively.

During its investigation, OCR reviewed information provided by the District. Prior to the completion of OCR's investigation, the District informed OCR that it was interested in resolving the complaint allegation. 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 the District's request to resolve this complaint prior to the conclusion of the investigation.

The District voluntarily submitted the enclosed Resolution Agreement ("Agreement") to resolve this complaint; the Agreement was signed by the District on July 26, 2016. OCR has determined the provisions of the Agreement are aligned with the complaint allegation and appropriately resolves it. Further, OCR accepts the Agreement as an assurance the District 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 the District's implementation of the Agreement. Please be advised that if the District 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 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 be advised the District 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 Ms. Sara Koehn, the attorney assigned to the matter at (214) 661-9629 or sara.koehn@ed.gov, or the Team Leader, Melissa Huling Malonson, at (214) 661-9600 or at melissa.malonson@ed.gov.

Sincerely,

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