



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

July 31, 2015

Dr. Marcelo Cavazos, Superintendent
Arlington Independent School District
1203 W. Pioneer Pkwy
Arlington, TX 76013

RE: OCR Case No. 06151238
Arlington Independent School District

Dear Dr. Cavazos:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint, which was received in this office on February 6, 2015. The complainant alleged that the Arlington Independent School District (AISD) in Arlington, Texas, discriminated against his son (Student) on the basis of disability during the 2014-2015 school year by (1) failing to implement his Section 504 plan and (2) failing to re-evaluate him prior to placing him in alternative school.

This agency 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. OCR also enforces 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 public entities from discriminating on the basis of disability. The AISD is a recipient of Federal financial assistance from the Department and is a public educational institution. Therefore, OCR has jurisdictional authority to investigate allegations of discrimination filed against the AISD under Section 504 and Title II.

On March 12, 2015, OCR notified the complainant and the AISD that it was opening the complaint allegations for investigation. Shortly after the District was notified of the complaint allegations, the AISD indicated that it is willing to take action to resolve the complaint. Under OCR's case processing procedures, this complaint may be resolved by obtaining a resolution agreement, the implementation of which OCR will monitor. OCR provided the AISD with the enclosed Resolution Agreement (Agreement), which was signed by the AISD on July 29, 2014. OCR has determined that the Agreement addresses the complaint allegations and, when fully implemented, will resolve this complaint.

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

Effective the date of this letter, OCR is closing the investigative portion of this case. As noted above, OCR will actively monitor the AISD's implementation of the Agreement to determine whether its terms have been met. Please be advised that if the AISD 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 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 threaten, coerce, intimidate, or discriminate against any individual for the purpose of interfering with any right or privilege secured by regulations enforced by OCR, or because the individual made a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing held in connection with an OCR complaint.

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.

If you have any questions about this letter, please contact Lori Bringas, the attorney assigned to this case, at (214) 661-9638, or via email, at lori.bringas@ed.gov. You may also contact me at (214) 661-9648 or timothy.caum@ed.gov.

Sincerely,

Timothy D. Caum
Supervisory Attorney/Team Leader
Dallas Office

Enclosure

cc: XXXX XXXX, Esq. (*via email*)