



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

January 11, 2016

Ref: 06151616

XXXXXXX, Superintendent  
Chapel Hill Independent School District  
11134 County Road 2249  
Tyler, Texas 75707-5304

Dear XXXX:

This letter is to inform you 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 filed against the Chapel Hill Independent School District (CHISD or District), Tyler, Texas, and received on August 14, 2015. The complainant alleged the CHISD discriminated against his daughter (Student) on the basis of her disability by treating her differently than similarly situated non-disabled students participating in a March 2014 field trip for the Chapel Hill High School (CHHS) Highlighters drill team (Allegation #1). The complainant also alleged that because he filed an internal grievance on March 23, 2014, with the CHHS principal about the alleged different treatment, the CHISD retaliated against the Student by not selecting her to be a manager for the CHHS Highlighters drill team in May 2014 (Allegation #2).

OCR 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, and its implementing regulation 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. § 12132, and its implementing regulation at 28 C.F.R. Part 35, which prohibit disability discrimination by public entities. Because the CHISD is both a recipient of Federal financial assistance from the Department and a public entity, OCR had jurisdiction to investigate this complaint pursuant to Section 504 and Title II.

Based on the complainant's allegations, OCR began investigating the following legal issues:

1. Whether the CHISD treated the Student differently on the basis of disability in the context of an educational program or activity without a legitimate, nondiscriminatory reason, and thereby interfered with, or limited the ability of the Student to participate in or benefit from, the services, activities or privileges provided by the CHISD during a March 2014 CHHS drill team field trip, in violation of Section 504 at 34 C.F.R. § 104.4 and Title II at 28 C.F.R. § 35.130.

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

2. Whether the CHISD retaliated against the Student by not selecting her to be a manager for the CHHS Highlighters drill team in May 2015, because the complainant engaged in an activity protected under Section 504 and Title II on March 23, 2014 (filed an internal grievance with the CHHS principal about the Student's alleged different treatment based on disability during the above drill team field trip), in violation of Section 504 at 34 C.F.R. § 104.61 and Title II at 28 C.F.R. § 35.134.

During its investigation of the above complaint, OCR obtained and reviewed the CHISD's policies prohibiting disability discrimination as well as the District's policies and procedures for extracurricular activities and for the Highlighters drill team. OCR also reviewed copies of the Student's educational records and the complainant's grievance and appeals filed with the District. In addition, OCR examined documentation regarding the above-referenced field trip and selections for drill team managers. Finally, OCR conducted interviews with the complainant and the Student's mother.

After OCR commenced its investigation, but before OCR reached an investigative compliance determination, the CHISD expressed a desire to voluntarily resolve the complaint. The CHISD submitted the enclosed Resolution Agreement (Agreement) dated January 8, 2016 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. 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 CHISD fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

This concludes OCR's investigation of this complaint and should not be interpreted to address the CHISD's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. The complainant has 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 complainant may have the right to file a private suit in Federal court whether or not OCR finds a violation.

Please be advised that the CHISD 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. Page Baird, the assigned investigator, at (214) 661-9604 or [page.baird@ed.gov](mailto:page.baird@ed.gov), or me at (214) 661-9687 or at [terri.gonzales@ed.gov](mailto:terri.gonzales@ed.gov) .

Sincerely,

Terri Gonzales  
Supervisory Attorney/Team Leader  
Office for Civil Rights  
Dallas Office

cc: XXXXXXXX  
XXXXXXX