



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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DALLAS, TX 75201-6810

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

April 13, 2016

OCR Docket #: 06161036

Dr. Zekeria Yuksel, Superintendent/CEO  
Harmony Public Schools Central Office  
9321 West Sam Houston Pkwy. South  
Houston, TX 77099

Dear Dr. Yuksel:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its processing of the above-referenced complaint, which was filed against the Harmony Public School's (HPS's) Harmony School of Advancement (HSA), Houston, Texas and received by OCR on XXXX, 2015. In the complaint, the complainant alleged that the HSA discriminated against her daughter (hereinafter, "the Student") on the basis of her disability (XXXX XXXX).

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 (amended 1992), 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 HPS 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 complaint allegations, OCR began investigating the following legal issues:

1. Whether the HSA discriminated against the Student on the basis of disability by failing to provide regular or special education and related aids and services deemed necessary to meet the Student's individual educational needs, and thereby denied the Student a free appropriate public education during the XXXX XXXX and XXXX XXXX semesters, in violation of Section 504 and Title II and their implementing regulations at 34 C.F.R. § 104.33 and 28 C.F.R. § 35.130 respectively, as follows:
  - a. XXXX 2015: Timely making a request (with supporting documentation) to the College Board for accommodations for the SAT to be administered on XXXX XXXX;

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

- b. XXXX 2015: Accommodations for the following classes: X---phrase redacted---X (extended time XXXX), X---phrase redacted---X (extended time XXXX), X---phrase redacted---X (XXXX-extended time and assignments reduced XXXX), and XXXX (X---phrase redacted---X); and
  - c. XXXX 2015: Homework accommodations for the following classes: XXXX (extended time) and XXXX (extended time and assignments reduced XXXX);
2. Whether the HSA discriminated on the basis of disability during the XXXX XXXX semester when it failed to provide the complainant notice of procedural safeguards (following a Section 504 evaluation meeting on XXXX, 2015) in violation of Section 504 and Title II and their implementing regulations at 34 C.F.R. § 104.36, and 28 C.F.R. § 35.130 respectively.

During its investigation, OCR obtained and reviewed copies of the HPS/HSA's Section 504 policies and procedures and the Student's Section 504 records. OCR also reviewed other pertinent documentation provided by the complainant and HPS. In addition, OCR conducted interviews with the complainant and the Student.

Prior to the completion of OCR's investigation, the HPS informed OCR that it was interested in resolving the complaint allegations. Section 302 of OCR's *Case Processing Manual* (CPM) provides that a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint and OCR determines it is appropriate to resolve the allegations with an agreement during the course of the investigation. 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 HPS's request to resolve this complaint prior to the conclusion of the investigation.

The HPS voluntarily submitted the enclosed Resolution Agreement (Agreement) to resolve this complaint; the Agreement was signed by the HPS on April 12, 2016. OCR has determined that the provisions of the Agreement are aligned with the complaint allegations and appropriately resolve them. Further, OCR accepts the Agreement as an assurance that the HPS 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 Agreement. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR will actively monitor the HPS's implementation of the Agreement. Please be advised that if the HPS 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 that the HPS 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.

If you have any questions regarding this letter, please feel free to contact Ms. Page Baird, the investigator assigned, by telephone at (214) 661-9604 or at [Page.Baird@ed.gov](mailto:Page.Baird@ed.gov), or Ms. Lori Bringas at (214) 661-9638 or [Lori.Bringas@ed.gov](mailto:Lori.Bringas@ed.gov). You may also contact me at (214) 661-9674 or [Gregory.McGhee@ed.gov](mailto:Gregory.McGhee@ed.gov).

Sincerely,

Gregory McGhee  
Program Manager  
Office for Civil Rights  
Dallas Office

Enclosure

cc: XXXX XXXX

XXXX XXXX